



# TOWN OF PALMER CONSERVATION COMMISSION

Palmer Town Building  
4417 Main Street  
Palmer, Massachusetts 01069

conservation@townofpalmer.com

Robert Ring, Chair  
Donald Duffy, Vice Chair  
Peter Izyk  
Dennis Cote

Agent: Angela Panaccione

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

## MEETING MINUTES

### TUESDAY NOVEMBER 19, 2013 @ 7:00 PM

- Members Present:** Robert Ring (Chair)  
Donald Duffy (Vice Chair)  
Dennis Cote  
Peter Izyk  
Angela Panaccione (Agent)
- Members Absent:** Matthew Trybus (Resigned this evening)
- Also Present:** Keith Terry, Sherman & Frydryk  
Joe Gulluni, JNB Property Investments
- Meeting Opens:** 7:00 PM – Robert Ring (Chair)

#### 7:00 PM Notice of Intent – JNB Property Investments; 249 Ware Street

A Notice of Intent submitted by Sherman & Frydryk c/o Joseph Gulluni, of J N B Property Investment Inc., for the proposed site re-development including the reconstruction of a fire destroyed two bedroom home, with associated septic system replacement, and the replacement of a residential (single family) driveway located at 249 Ware Street, Palmer, MA. The proposed site redevelopment is entirely within the 100- foot wetland buffer zone and will require 12,189 SF of disturbance within the 100-foot wetland buffer zone. The proposed project is located at 249 Ware Street, Palmer, MA 01069, and is also known as: Map 81-22. Robert Ring opened the hearing and no public was present besides the applicant Joe Gulluni, of JNB Property Investments; and his representative/engineer Keith Terry, from Sherman & Frydryk.

The project proposes to replace a former burnt down mobile home, on the same foot print, with a new two-story house. The Planning Board has approved the proposed new home construction. The currently existing well will be utilized and maintained in the property redevelopment. Additionally, the driveway will remain on the same foot print but will be reduced in width to remain on the property (currently the driveway is partially on the abutting property). The shed located within the BVW, depicted on the proposed site plan, has been removed and will not be replaced.

The project does propose a new septic system with a 1500-gallon tank, piping and leach field. The new system will be located in the front of the house, adjacent to Route 32, and will require 8-feet of fill to accommodate the new tank. An easement with the neighbor is also proposed to accommodate the required filling of the abutting property for the septic system as well. The location of the old septic system is unknown.

A culvert runs across Route 32 and currently drains onto the front lawn of the parcel, sheet flowing to a drainage swale located north of the property. The plan proposes to construct a new storm drain (hard-piping) from the culvert outlet directly to the existing drainage swale.

No DEP file # has been issued and the new septic system has not received Board of Health (BOH) approval. The applicant stated his consent with a continuance until both a DEP file # and BOH approval has been received.

**Motion made by Donald Duffy to continue the Public Hearing until 7:00 PM on Tuesday December 3, 2013**

**Motion seconded by Peter Izyk**

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

**7:15 PM            NOI DEP # 256-0302 – Con Com/Trail Com/Recreation Dept; Trail Maintenance**

A Notice of Intent submitted by the Palmer Conservation Commission, the Palmer Trails Association and the Palmer Recreation Department for the proposed maintenance, design and construction of various trails within town owned lands. Work will include, but not be limited to: trash & debris removal, trail markings, maintenance of existing trails and fire roads, maintenance of existing infrastructures, invasive species removal, and creating or re-routing a trail. The location of the proposed project is various town owned conservation and recreation areas. Robert Ring opened the hearing and no public was present. It was noted that at the last meeting, which was cancelled due to lack of a quorum, Diane & Greg Warnock-Graper attended in support of trail maintenance project.

The joint NOI was filed to serve as generic wetlands permit for generic trail maintenance and land management activities on Conservation Land. The permit will serve to set an example for other landowners wishing to maintain trails/conduct land management, provide specific standards for trail work and land management activities, expedite the process when a volunteer wishes to conduct a project in jurisdictional areas, and provide a consistent set of standards and procedures for conducting work near wetlands, that will ultimately improve the functions and values of the wetlands. The permit will cover all work allowed without Commission notification and all work allowed with Commission notification and approval (but without a new filing).

No additional Commission notification or approval will be required for the following activities:

1. Removal of trash and unnatural debris from anywhere
2. Routine maintenance of existing trails and fire roads
3. Routine maintenance of existing infrastructures or existing site furnishings such as boardwalk decks, footings or pilings of boardwalks or bridges, bridge decks, foot bridges, parking areas, benches, picnic tables, trash receptacles, fencing, railings, signs, etc.
4. Routine maintenance of existing fields. Installation of signs about boundaries, permitted and restricted land uses, natural resources, etc.
5. Replacing or adding trail and boundary markers including posts (driven or set in post holes of less than 12” diameter).
6. Removal of invasive exotic species from the buffer zone outside Palmer’s 50’ No Disturb Zone, provided the removal actions are in accordance with the procedures outlined in the Commission’s educational materials, as shown in Appendix A of the NOI.

Proposed activities which require notification to and approval by the Commission, but which may not require a new filing include:

1. Creating or re-routing a trail as shown in Appendix B of the NOI
2. Paving of existing gravel/dirt parking areas
3. Removal of invasive exotic species (plants and pests) within the 50’ No Disturb Zone or within a Wetland Resource Area in accordance with the procedures outlined in the Commission’s educational materials, as shown in Appendix A of the NOI

The activities listed above must be submitted to the Commission for their review and must be demonstrated to be unlikely to generate a net adverse impact on the wetlands or 50-foot No Disturb Zone (NDZ). If the Commission determines that the nature or scope of the proposed activities may adversely impact wetlands or the 50-foot NDZ, they may require the filing of an NOI or RDA.

Notification guidelines for all proposals require the applicants to notify the Commission two weeks in advance of planned work with the location of the property, the name of the applicant and property owner, the name(s) of the personnel who will be directing the work, a sketch plan of the proposals showing the wetland resource areas and proposed alterations, and a narrative of the proposed work (process, timeframe, and end result). At that point the Commission or its Agent will inspect the proposed locations of the work prior to the Commission's deliberations and decisions. The Commission or its Agent will direct the applicant to install erosion and sedimentation controls as necessary.

**Motion made by Donald Duffy to close the Public Hearing and issue the Order of Conditions & Findings of Fact for the proposed maintenance, design and construction of various trails within town owned lands.**

**Motion seconded by Peter Izyk**

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

**7:20 PM Extension Permit for OOC DEP # 256-0272: Nathan Olson – Baptist Hill Road**

Donald Frydryk, of Sherman & Frydryk, submitted a request on behalf of property owner Nathan Olson for an extension to the current Order of Conditions for DEP # 256-0272. The original Order was issued in 2007 but due to economic circumstances work never began. With the addition of 4 years from the permit extension act, the permit will be valid until January 8, 2014. Work is currently occurring on site and there is also an enforcement order issued against the property for failure to comply with the previously issued OOC.

The extension request comes at the Agent's recommended, and is for three year. This will be to ensure the replication areas can be installed properly and monitored for the required two growing seasons. The time frame for the replication area construction has been extended to the spring. The replication conditions, incorporated into the enforcement order, will be followed and progress reports to the commission will be supplied until the issuance of the COC.

**Motion made by Dennis Cote to extend the current Order of Conditions for DEP # 256-0272, for 3 years, until 1/18/ 2017**

**Motion seconded by Donald Duffy**

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

**7:25 PM Request for Certificate of Compliance (COC) DEP # 256-0287: 188 Stimson Street**

The Commission received a request for a COC from John LaRose for the work that occurred at 188 Stimson Street under the OOC for DEP # 256-0287. The project was the construction of a single family home, with septic and new drive. The Commission scheduled a site visit for Thursday November 21, 2013 at 9am and will discuss the issuance of the COC at the next meeting.

**7:30 PM Request for Change in Plans: DEP # 256-0299: Mass Turnpike Stormwater Improvements**

The Commission received a request for a possible change in the approved plans for the Mass Pike stormwater improvement project. Opposed to accessing the site via the turnpike, the applicant is proposing constructing a new access route off Route 67 (before the overpass), running parallel to the turnpike, to the current landing area on the approved plans. The applicant believes the alternative access route would be a much safer choice and would allow MassDOT easier access to the proposed stormwater basins for the required routine maintenance and inspection. The Agent conducted a site visit today, with representatives from Palmer Paving to review the route. The Agent reported the route was mainly upland, and outside of all resource areas and the riverfront zone with the exception of the last few feet; which would be located within the edge of the outer riparian zone.

The Commission recalled stating, during the public hearings, any proposed changes to the access route would require the filing of an amendment or a new notice of intent. The applicant was only approved for access directly off the Turnpike. This project also received criticism from Mass DEP for its failure to comply with stormwater standards and if the applicant desires to amend the current OOC all issues will be re-addressed.

**7:35 PM Executive Session: Lamothe Violation & Litigation– 103 Water Street**

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**Motion made by Dennis Cote to enter an executive session at 7:35 PM**

**Motion seconded by Donald Duffy**

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

**Motion made by Donald Duffy to exit the executive session at 8:15 PM**

**Motion seconded by Peter Izyk**

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

**8:15 PM Administrative Matters: Conservation Restriction (CR) for Crystal Lake DEP # 256-194**

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Donald Duffy informed the Commission of the meeting with the Town Manager, Charles Blanchard, over the Commission holding the CR for Crystal Lake. 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. The area would provide public access for swimming, boating, etc. the town currently does not have. David Foulis (DEP) stated if the Town holds the CR then DEP would assume the responsibility of monitoring and enforcing the CR. Duffy supplied the Commission and the Town Attorney Charles F. Ksieniewicz a draft of the CR for review.

Both the Town Manager and Town Attorney agreed the Commission could probably hold the CR independently, without Town Council approval. The Commission previously voted in principle, on October 15, 2013, to accept the Conservation Restriction, pending Town Manager and/or Town Council approval. Ksieniewicz took a copy of the draft to review with the applicants Lawyer and will inform the Commission of his findings.

**8:35 PM Administrative Matters: Agent Reports**

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1. Palmer Tennis Courts Plan Modifications: The Agent discussed with the Commission minor modifications to the Palmer High School Tennis Court Construction. She conducted a site visit earlier today with the contractor, Palmer Paving, to review a request to extend the current drainage structures outward to accommodate the slope. The limit of work toward the BVW would remain the same.
2. Henry Plant, 1564 Park Street: The Agent informed the Commission about the status of the Henry Plant Complaint. The Town Manager requested she attend the Town Council meeting held on Monday November 18, 2013 to discuss with the Council the letter she wrote to Mr. Plant this past February. The letter documented a site visit conducted by Ring and herself and highlighted possible methods to stabilize the stream bank and prevent further erosion. The Agent stated she did not believe the town is liable for the damages to the stream on Mr. Plants property. The erosion and flooding are a result of a loss of bank vegetation through direct mowing and the changes in weather patterns over the past 10 years. She supplied information about the local precipitation data she collected which documents over the past 10 years Massachusetts has experienced several record breaking rainfalls and stream flow velocities, with Hampden County experiencing a 3% increase in annual precipitation in the past 2 years alone (23% over 50 years). She also supplied information on how the rate of precipitation intensity and duration has increased, as well as the rate of storm return frequencies.

**8:35 PM Administrative Matters: Chair Report – Trail/Conservation Land ATV Patrols**

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Robert Ring informed the Commission a new Environmental Police Officer (EPO) will be stationed in the area soon. Ring also informed the Commission he did touch base with the Palmer Police department about reinstating ATV patrols on the conservation lands, and will be in contact with them again in the spring. Ring has also not yet determine if the Palmer PD still owes the Commissions hours from the last time ATV patrol was conducted. Dennis Cote stated he was up in the conservation areas recently and did not notice any ATV use since the EPO issued the numerous violations last month.

**8:40 PM      Administrative Matters: Minute Approval – October 15, 2013**

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**Motion made by Donald Duffy to accept the minutes from Tuesday October 15, 2013, as amended**

**Motion seconded by Peter Izyk**

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

**Next Meeting Date:** Tuesday, December 3, 2013 at 7 PM

**8:45 PM      Meeting Adjourned**

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**Motion made by Donald Duffy to adjourn**

**Motion seconded by Peter Izyk**

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

Sincerely Submitted,  
Angela Panaccione, Agent