



# TOWN OF PALMER CONSERVATION COMMISSION

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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 DECEMBER 15, 2015 @ 7:00 PM**

**Members Present:** Tharyn Nein-Large (Chair)  
Donald Duffy (Vice Chair)  
Sarah Brodeur  
Dave Cotter  
Angela Panaccione (Agent)

**Members Absent:** Peter Izyk

**Also Present:** Sheryl Jyringi, 20 West Ware Road  
Debbie Sourdif, 385 Rondeau Road  
Marcus Nutter, 385 Rondeau Road  
Tom Keough, AECOM Environmental

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

### **7:01 PM Administrative Matters: Minute Approval – November 17, 2015**

**Motion made by Donald Duffy to accept the minutes from Tuesday November 17, 2015 as written**  
**Motion seconded by David Cotter**  
**No further discussion – vote taken: 4-0-0 – Motion Carries**

### **7:03 PM Emergency Certification: USDA Wildlife Services – Breach Beaver Dam**

Erik Shaffer, of USDA Wildlife Services requested an emergency certification on behalf of CSX Railroad to breach a beaver dam that is undermining the CSX railroad tracks. Both CSX and USDA determined the beaver damming was causing a direct threat to public health and safety and requested an Emergency Certification was for full breaching of the beaver dam to relieve the water pressure. They are also trapping the beavers in the immediate vicinity.

Conservation Agent Angela Panaccione conducted a site visit on Tuesday December 1, 2015 with Erik Shaffer along the CSX railroad at GPS coordinates N 42 degrees 09.068 and W 072 degrees 22.485. The site was accessed by truck from the Silver Street right-of-way and was located completely within the right-of-way for the CSX tracks. The beavers had dammed up a stone culvert under the track and the backed up water was

expanding alongside the tracks. The Agent questioned if they were even in Palmer, but the coordinates and the Mass GIS data layers had the location on Palmer.

The Agent conferred with Josh Mathieu, Palmer Board of Health Agent and both departments issued their respective emergency permits on December 1, 2015; for work to begin on Monday December 7, 2015.

The Agent also spoke with Mark Stinson, Mass DEP about the permit and Stinson informed her that the Commission shouldn't need an emergency permit to CSX for work within the railroad tracks, as the work is necessary for them to conduct interstate commerce.

**Motion made by Sarah Brodeur to ratify the Emergency Certification, issued to USDA Wildlife services on December 1, 2015, for the breaching of a beaver dam**

**Motion seconded by Don Duffy**

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

**7:07 PM Notice of Intent (NOI) DEP #256-0312: MassDOT – I-90, Toll Plaza Demolition**

A Notice of Intent (NOI) submitted AECOM c/o Massachusetts Department of Transportation for Legacy Toll Plaza # 8 Demolition & Improvement Project. Construction activities include the removal of a significant portion of impervious surfaces, improving natural infiltration of stormwater runoff, and targeted upgrades to existing stormwater management structures. The Project is Buffer Zone only and will result in a decrease of impervious surfaces within the Buffer Zone. The location of the proposed project is the I-90 Toll Plaza #8 located within the State Highway Layout (SHLO) in Palmer, MA 01069.

Tharyn Nein-Large opened the public hearing and Representative Tom Keough, from AECOM was present. No members of the public attended the hearing.

The Massachusetts Department of Transportation is proposing the demolition and improvement of the existing Legacy Toll Plaza # 8, on I-90, in Palmer. The project includes the demolition of the existing toll plaza, reconfiguration of the traffic lanes surrounding the toll plaza, removal of existing pavement, full-depth pavement construction and milling and overlay within the existing roadway, and the reconfiguration of the Route 32 entry/exit ramps. Stormwater management upgrades will be made to improve inadequate drainage systems throughout the Project Site. All disturbed areas will be revegetated upon completion of the project.

The Project as proposed occurs solely within the buffer zones of jurisdictional resource areas protected under the WPA and the Palmer WPO; and consist of toll plaza demolition and lane reconfiguration. The Project will result in a decrease of impervious surfaces within the Buffer Zone and all surfaces converted from impervious to pervious within the Project Site will be loamed and seeded with a long term seed mix for lawns and slopes.

The Project Site, which is approximately 1,100 linear feet in length, includes the I-90 west bound (WB) and east bound (EB) entrance and exit ramps; the Route 32 entrance and exit ramps; and the toll plaza building, parking lot, and maintained lawn areas. The Project Site is bordered by undeveloped and developed uplands and wetlands, along with local roads and buildings.

Wetland resource areas adjacent to the Project Site were delineated on December 8, 2014 by AECOM wetland scientists in accordance with methods developed by the Massachusetts Department of Environmental Protection (MassDEP) and the U.S. Army Corps of Engineers. Two distinct Bordering vegetated Wetlands (BVWs) occur on the Project Site. The first is located on the northern edge of the existing plaza whereas the second is located along the southern edge of the existing plaza. Both BVWs currently receive stormwater runoff from the plaza via existing deep sump catch basin outfalls and/or vegetated swales.

Wetland flag series P-C-1 through P-C-10 represent the BVW located along the northern edge of the Project Site. The boundary of this wetland is located at the toe of slope on the north side of a chain link fence within the State Highway Layout (SHLO). Because the fence precluded access, AECOM utilized offsets in order to approximate the boundary of this wetland. The wetland drains via an intermittent swale that flows in a southerly direction into a 36 inch concrete culvert, which subsequently discharges into BVW P-A on the south side of the plaza.

Wetland flag series P-A-1 through P-A-30 represent a palustrine forested wetland located along the southern edge of the Project Site. An intermittent swale drains the wetland in a westerly direction and intercepts the culvert connected to BVW P-C.

The by the Conservation Agent confirmed the wetland boundaries delineated by wetlands flag series P-C-1 through P-C-10 and P-A-1 through P-A-30 (to the best of her ability due to site constraints) on December 3, 2015.

**Motion made by Donald Duffy to close the Public Hearing**

**Motion seconded by David Cotter**

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

**Motion made by Donald Duffy to issue the Order of Conditions for DEP #256-0312, with special conditions**

**Motion seconded by Sarah Brodeur**

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

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

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

1. Upcoming Events: Commissioner Sarah Brodeur informed the Commission of upcoming events she has coordinated with Opacum land Trust and 2 DCR foresters on Chapter 61/Current Use Program. The Presentation will occur Tuesday 1/26/16 at 6:30pm, at Palmer Public Library
2. Conservation Land Encroachment 538 Old Warren Road (Map 27-21-1): This past fall the Palmer Conservation Commission began a comprehensive land management effort, including identification of property boundaries. On November 20, 2015 during the boundary survey of the Midura parcel North of Old Warren Road the Agent and two (2) Interns from UMASS Amherst observed approximately 800 square feet of conservation land had been altered by the dumping of yard waste and other debris. In addition, several unmarked containers containing unknown liquids, piles of shingles, siding, tires and

other trash was documented. Since there are no other yards in the vicinity, the yard waste and trash appear to have originated from the abutting property. The Agent supplied the Commission with photos.

A lot of landowners and landscapers think that because cut branches and other yard waste are ‘natural’, it is ok to dump it in the woods. However, dumped yard waste onto Conservation Land (1) violates Article 97 of the State Constitution and the Town of Palmer’s Conservation Rules and Regulations; (2) destroys the underlying vegetation and wildlife habitat; and (3) prohibits new trees and shrubs from growing.

The Agent sent a letter to property owner Amber Low and required the removal of the yard waste from Palmer’s Conservation Land by January 11, 2016. The Agent will perform another site inspection after January 11th to ensure this matter is resolved. The Town DPW agreed to remove the other waste (tires, shingles, various liquids) after the yard waste is removed.

3. Midura Extension/Bergeron Parcel/Town Council Meeting: Town Atty. Chuck Ksieniewicz is conducting a title search at the request of the Commission and has reported there is a cloud on the title that needs to be addressed and researched further. He stated he could probably have it completed for Town Council’s January meeting.
4. New NOI: The Agent informed the Commission they would be receiving a new Notice of Intent for site improvements at Palmer Green.
5. FY 17 Budget Request: The Commission discussed the various reasons for requesting an increase in hours for the Agent position. The current 25 hours a week is not sufficient to deal with the large-scale project occurring in Palmer, and the Commission is requesting a full time salaried position for the Agent. The Conservation Department is the only active permitting department in the Town Hall without full time staff. Not only is the Conservation Commission responsible for permitting under the WPA & Town Ordinance, the Agent is also responsible to review all septic system plans within 100-feet of resource areas, any building permit that requires vegetation removal and/or ground disturbance and any site plans at the request of the Planning Board. The Commission is also responsible for the management of over 800 acres of land in town.

**Motion made by Donald Duffy to submit the FY 17 budget request for an increase in hours for the Agent, to \$45,202**

**Motion seconded by David Cotter**

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

6. Palmer Motorsports Septic Violation: Palmer Motorsports Septic Violation: *\*Donald Duffy recused himself from the proceedings and left the meeting at 7:34pm*

Local residents Sheryl Jyringi, Debbie Sourdif, and Marcus Nutter were present for the violation discussion. Sheryl Jyringi is also a direct abutter to the development project and has expressed concerns with the environmental impacts of the track construction in the past.

Conservation Commission Agent Angela Panaccione presented her discovery to the Commission. On December 8, 2015 at approximately 3pm she conducted a site visit, at the request of the Board of Health Agent Josh Mathieu, to assess compliance with the approved subsurface absorption system (SAS) constructed at Palmer Motorsports Park. Mathieu had just returned from a site visit with John Furman, VHB to perform a final inspection of the system before backfilling; and several deviations from the approved plans were observed. Specifically, Mathieu noted the system did not appear to be constructed in the proper location.

The site visit revealed the single (1) subsurface absorption system (SAS) was constructed in violation of the Approved Plans and Documents, and in violation of the Special Conditions required under the Palmer Conservation Commissions Negative Determination, dated March 19, 2015.

The septic system had been substantially constructed at this point. The system itself had been installed and most major earth work was completed. However, final grades had not been established, and no riprap was placed on the side slopes of the mounded system as required by the approved site plan (see Site Plans, Sheets 4 and 6). Additionally, the impervious barrier was not installed according to plan (see Site Plans, Sheets 4 and 6).

A portion of the northeastern slope of the system was covered by a large pile of stumps, slash, and other evidence of vegetation clearing existed outside the limit of work. A pile of tree trunks was also present at the base of the slope. The rest of the side slopes around the system consist of unvegetated bare earthen slopes. Portions of the construction area are within the 100-foot buffer zone to Bordering Vegetated Wetlands (BVW), and thus the area falls under the jurisdiction of the Massachusetts Wetlands Protection Act (WPA) and the Palmer Wetlands Protection Ordinance (WPO).

The Commission scheduled a site visit for Thursday December 17, 2015 to further document the various violations on site. All Commissioners will be present (excluding Don Duffy).

**Motion by Sarah Brodeur to retain VHB, as consultant to the Commission, to review the approved septic site plan and permit for compliance with WPA & WPO.**

**Motion seconded by David Cotter**

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

**Next Meeting Date:** Tuesday January 5, 2016 at 7pm

**Office Closed:** Monday December 21, 2015 – Friday December 25, 2015

**Meeting Adjourned:** 8:16 PM

**Motion made by Sarah Brodeur to adjourn at 8:16 PM**

**Motion seconded by David Cotter**

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

Sincerely Submitted,  
Angela C Panaccione, Conservation Agent