



# 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  
Tharyn Nein-Large  
Sean O'Donnell  
Sarah Brodeur

Agent: Angela Panaccione

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## MEETING MINUTES

TUESDAY DECEMBER 16, 2014 @ 7:00 PM

**Members Present:** Robert Ring (Chair)  
Dennis Cote  
Tharyn Nein-Large  
Sean O'Donnell  
Sarah Brodeur  
Angela Panaccione (Agent)

**Members Absent:** Donald Duffy (Vice Chair)  
Peter Izyk  
Elaine Williamson (Interim Conservation Agent)

**Also Present:** Brett Trowbridge, Oxbow Assoc.  
Michael J. Baril, PO Box 542 Warren, MA  
Charles Greenhaus, 2202 East Main St., Sacramento, PA  
Barbara R. Martowski (Stanley), 965 Ware St., Palmer, MA  
Pete Martowski, 21 Shady Path, Ware, MA  
Brian Roberts, 368 Lyon St., Ludlow, MA 01056  
Don Roberts, 450 Springfield St., Three Rivers, MA  
Michael Barbiasz, 14 Williston Dr., Ware  
Paul Harper, 132 Bacon Rd., Ware, MA  
Henry Camosse Th., 200 Oneil Rd., Warren, MA  
Sheryl Jyringi, 70 West Ware St, Palmer, MA  
Debbie Sourdif, 385 Rondeau St., Palmer, MA  
Marcus Nutter, 385 Rondeau St., Palmer, MA  
Larry Ayotte, 384 Rondeau Rd, Palmer, MA  
Douglas Farmer, Turley Publications, Palmer  
Fred Ferguson, Palmer Motorsports Park, 58 West Ware Rd.  
Greg Read, PMP 58 West Ware Rd.  
Jonathan Frye, PMP 58 West Ware Rd.  
Kenneth Gibbs, 108 Smith St., Palmer  
Mona M. Gibbs, 108 Smith St., Palmer  
Mona Rand, 108 Smith St., Palmer

**Meeting Opens:** 7:05 PM – Robert Ring (Chair)

**7:07 PM Request Determination of Applicability (RDA): Palmer Motorsports Park; West Ware Rd**

A Request for Determination was submitted by Oxbow Associates c/o Palmer Motorsports Park, LLC, for the proposed improvement of an existing wood road for the purposes of installing a water supply well including work within the buffer zone for the installation of electrical conduit and water line within the existing wood road, and grading of existing wood road. The location of the proposed project is on West Ware Road Palmer, MA 01069, and is also known as: Map 49-4.

Brett Trowbridge, of Oxbow Assoc. supplied the Commission with the certified abutter notifications and presented the Request to the Commission. The plan calls for the upgrading of an existing wood road to install a public water supply well. The applicant has already conducted well boring and the well itself is outside Buffer Zone.

The applicant proposes to improve an existing wood road for purposes of installing a water supply well. A portion of the access improvements are proposed within buffer zone, however, the well site is located within an upland area beyond the buffer zone. The proposed buffer zone work includes installation of a 2 inch electrical conduit (to provide electricity to the well pump) and installation of a 1.5 inch water line (to bring water from the well to the Motorsports Park) within the existing wood road. Minor grading of the access route is also proposed to allow access of construction and maintenance vehicles. Silt fence is proposed along the wood road between the work area and the wetland to prevent sedimentation toward the wetland.

The existing road is located within the 100' Buffer Zone of a BVW. Improvements include grading, installing electric and water conduits/lines and adding stump grindings on road for stabilization per the recommendation of David Foulis. Mass DEP. The installation of the utilities is now exempt under 310 CMR 10.02(2)(b)(2)(i): Installation of underground utilities (e.g., electric, gas, water) within existing paved or unpaved roadways and private roadways/driveways, provided that all work is conducted within the roadway or driveway and that all trenches are closed at the completion of each workday; (A new provision in the Regulations promulgated on October 24, 2014).

The applicant will also upgrade the current erosion & sediment controls by adding an extra silt fence. Additionally, the road will not be paved

Bob Ring inquired about the change in grade of the road from current to future and Jonathan Fryer answered the grade will remain the same. Currently stump grindings already in and basically all that will be needed is to fill pothole. There will be no major cut/fill of the road.

Angela Panaccione scheduled a site visit Monday December 22, 2014 at 11:00AM to view the well access road

The well and access road were contemplated as part of the MESA Permit issued to PMP for this project and, therefore, the Division is considering the work shown pursuant to the MESA Permit. The location and general alignment were as discussed during drafting of the MESA Permit. However, NHESP did have the following concerns:

- 1) A construction sequencing plan that details control and oversight during construction; and
- 2) Blasting plan - The plans do not discuss if blasting will be necessary for the access road. If blasting will be required, a blasting plan detailing the locations and controls on blasting.
  - a) The blasting shall not result in any impacts to the surrounding wetlands or vernal pools; and
  - b) The blast fragments and all equipment must remain within the limit of work shown on the plan.

- 3) Palmer Motorsports Park, LLC must develop controls and monitoring to ensure that blasting will not harm either of the two state-listed species and their habitats, as listed in the MESA Permit.

Brett Trowbridge addressed comments received from NHESP:

- 1) No blasting will be done to improve the access road to the well site.
- 2) Construction sequence will be added to the plan. The current sequence is to add stump grinding to the road, get rig in to drill the well, get the rig out, then add electrical/water conduits in the road and re-add the stump grinding.

The applicant will also submit a revised plan of just the well area and access road with the construction sequence on it.

Bob Ring explains settlement/consent process and the Agent Angela Panaccione explain there is currently a multi-agency state task force investigating the possible violations. The Commission is still waiting on information from MASS DEP.

Mark Nutter 385 Rondeau Road questioned about how the well would affect the water supply of the neighbors. Panaccione stated the well is outside the Commissions jurisdiction and independently permitted by Mass DEP since it is considered a public water supply, which will supply 25 people.

Henry Camosse III inquired if there was a new violation on site since the road had already been worked on. The Agent stated she would investigate this further.

Pete Martowski asked if existing cart road/wood road was the one located on his property. The Agent stated it was not

Barbara Martowski inquired if the site visit was open to public. The Agent stated it was not

**Motion made by Dennis Cote to continue the Public Hearing until Tuesday January 6, 2015 at 7:00 pm**

**Motion seconded by Tharyn Nein-Large**

**No further discussion – vote taken: 5-0-0 – Motion Carries**

**7:37 PM Request Determination of Applicability (RDA): Palmer Motorsports Park; West Ware Rd**

A Request for Determination was submitted by Palmer Motorsports Park, LLC, for the proposed installation of a septic system to service Palmer Motorsports Park and associated amenities. The proposed work will occur within the 100-foot buffer zone of a Bordering Vegetated Wetland (BVW) of an intermittent stream. The location of the proposed project is on West Ware Road Palmer, MA 01069, and is also known as: Map 49-4.

The applicant proposes to construct septic facilities to service the Palmer Motorsports Park racetrack and associated amenities. The facilities will provide sanitary services for the various buildings to be built on the Site, including offices, club house, shower house, maintenance building, pro shop, concession pavilion, and garages. The Board of Health and Title 5 (310 CMR 15.00) compliant system includes construction of two leach fields (A and B) located along the southwestern edge of the race track. Leach Field A is sited within an area of upland forest adjacent to the racetrack. Leach Field B, sited within the limit of work for the racetrack, and sited partially beneath a proposed access road that extends to the northern part of the Site (the “North Paddock” area). The leach field locations were determined based on site constraints (i.e., bedrock and topography) and suitable soils for percolation. The proposed system also includes associated infrastructure- force mains, polyvinyl chloride

(PVC) piping, septic tanks, pump chambers, and man holes- sited primarily within previously developed areas. Silt fence is proposed between the work areas and the wetland to prevent sedimentation.

The applicant requested a continuance due to DEP comments on the project.

**Motion made by Dennis Cote to continue the Public Hearing until Tuesday January 6, 2015 at 7:00 pm**

**Motion seconded by Sarah Brodeur**

**No further discussion – vote taken: 5-0-0 – Motion Carries**

**7:38 PM Notice of Intent: Palmer Motorsports Park; West Ware Road – North Paddock Access**

A Notice of Intent submitted by Pioneer Environmental c/o Palmer Motorsports Park, to revise portions of the motorsports park facility that is currently under construction. Revisions are proposed to the track layout, stream crossings, pit lane location and paddock locations. A drinking water supply well and septic system have been designed and new work includes the construction of clubhouses with parking and the filing of a previously crossed wetland. The location of the proposed project is on West Ware Road Palmer, MA 01069, and is also known as: Map 49-4.

The applicant proposes to construct a 20 foot wide paved roadway with associated drainage the northern part of the Site, termed the “North Paddock”. The proposed access road alignment closely follows an existing wood road. Where the access road leaves the main racetrack development, it passes between two wetland systems (Wetland A and Wetland J), and parallels Wetland A, before spanning this wetland, which contains an intermittent stream drainage, to gain access to the North Paddock. The current stream crossing contains corduroy logs and a 16 inch diameter metal culvert.

The project entails tree cutting and grading within 100 foot buffer zone to achieve suitable road width and grades. The asphalt will be laid on top of a crushed stone and gravel base. Runoff will generally be infiltrated within two foot wide crushed stone shoulders, however, the use of one drop inlet and level spreader are proposed where the proposed access road leaves the main racetrack development. The bridge abutments are proposed outside of the wetland at the narrowest wetland constriction. Seven trees need to be cut within the vegetated wetland for bridge and the area subject to shading beneath the bridge is 686 square feet.

The applicant requested a continuance due to DEP comments on the project and the issuance of a “No File Number”.

**Motion made by Dennis Cote to continue the Public Hearing until Tuesday January 6, 2015 at 7:00 pm**

**Motion seconded by Sarah Brodeur**

**No further discussion – vote taken: 5-0-0 – Motion Carries**

**7:40 PM Amended Notice of Intent DEP # 256-0269: Palmer Motorsports Park; West Ware Road**

A Notice of Intent was submitted by Oxbow Associates c/o Palmer Motorsports Park, LLC for the proposed construction located at West Ware Road of a 20 foot wide paved roadway with associated drainage of the northern part of the site, termed the “North Paddock”. The location of the proposed project is on West Ware Road Palmer, MA 01069, and is also known as: Map 49-4; Map 51-1; and Map 52-8; Map 44-33 and Map 44-35.

The applicant has withdrawn the Amendment to the Notice of Intent DEP #256-0269

**7:40 PM Notice of Intent: Palmer Motorsports Park; West Ware Road – Track Changes**

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A Notice of Intent submitted by Pioneer Environmental c/o Palmer Motorsports Park, to revise portions of the motorsports park facility that is currently under construction. Revisions are proposed to the track layout, stream crossings, pit lane location and paddock locations. A drinking water supply well and septic system have been designed and new work includes the construction of clubhouses with parking and the filing of a previously crossed wetland. The location of the proposed project is on West Ware Road Palmer, MA 01069, and is also known as: Map 49-4; Map 51-1; and Map 52-8; Map 44-33 and Map 44-35.

The applicant has withdrawn the Notice of Intent for proposed track changes.

**8:50PM Administrative Matters: Palmer Motorsports Park 3<sup>rd</sup> Party Review**

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The Conservation Commission discussed a third-party review of the three Palmer Motorsports Park applications. The agent sent requests for proposals to Tighe & Bond, VHB and New England Environmental (NEE). She received quotes back from Tighe & Bond and NEE. The Commission discussed splitting the reviews up to be separate for each filing, opposed to the current combined proposals. It appears the well permit could be issued at the next meeting, after the site visit; but significant changes are needed to revise the septic and access road filings. The Agent also stated she would like to get the same reviewer as Board of Health for the Septic RDA. The Commission will continue this discussion at the January 6, 2015 meeting.

**7:53 PM Violation: Smith Street**

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The Conservation Agent (Panaccione) directed Brian Sullivan to stop work. There are several violations of the WPA. He will need to re-file the Notice of Intent. The permit was signed by Marilyn Heart and issued to Todd Ely. Kenneth and Mona Gibbs, and Mona Rand of 108 Smith Street attended the meeting to discuss the violation. There is a question as to why the permit was issued. Kenneth Gibbs referred to Google Earth images to see the change in area vegetation. The Conservation Agent explained the enforcement procedure. The Conservation Commission issued the permit in 2007. This is a civil matter. Another site visit will be scheduled in the spring of 2015.

**8:26 PM Violation: 450 Springfield Street**

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Mark Stinson from the MASS DEP notified the Conservation Commission of a potential violation of the WPA, filling of a wetland and potential vernal pool. Donald Roberts attended the meeting to discuss the violation on site. Roberts stated the “fill” is a manure pile and is not in the wetlands, but is in the buffer zone. Mr. Roberts informed the Commission the site is an active farm in 61A status. There are 16 to 25 cows on the property, along with goats and chickens. A site visit is scheduled on December 30, 2014 at 10:00 AM. This site may be covered under an Agricultural Exemption under the WPA.

**8:43 PM Violation: Brian Sullivan, 66 Peterson Road**

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Brian Sullivan is in violation of the Enforcement Order issued to property owner Jane Bramucci, and renter, Brian Sullivan on May 1, 2014. He has not met the required deadlines issued by the Conservation Commission. The Agent has tried to contact Mr. Sullivan via the telephone several times and has had no response. The Agent also viewed the site today and noted new construction is occurring. Mr. Sullivan was supposed to submit a restoration plan to the Commission by July 2014 and completed the required plantings by September 30, 2014. No evidence is present restoration has occurred.

**Motion made by Tharyn Nein-Large to issue a fine to the violator in the amount of \$300/day.**

Dennis Cote suggested \$100/day

**Motion made by Tharyn Nein-Large to issue a fine to the violator in the amount of \$100/day. Motion seconded by Dennis Cote.**

**No further discussion – vote taken: 5-0-0 – Motion Carries**

**8:50PM Administrative Matters: Fiscal Year 2016 Budget**

The Commission discussed the FY 2016 budget request. No additional funding is needed and the Commission will request the budget to remain the same as it was for FY 2015.

**8:50PM Administrative Matters: Meeting Dates for 2015**

The Commission discussed setting a meeting schedule for 2015. Bob Ring recommended meetings be held twice monthly for the beginning of 2015, in order to handle the permitting at Palmer Motorsports Park.

**8:51 PM Administrative Matters: Minute Approval October 21, 2014**

**Motion made by Sarah Brodeur to accept the minutes from Tuesday, October 21, 2014**

**Motion seconded by Dennis Cote**

**No further discussion – vote taken: 3-0-2 (Tharyn Nein-Large and Sean O’Donnell abstains)**

**8:55PM Possible Violation: 26 Wilbraham Road**

Notice came from the Palmer Planning Board about a possible violation at 26 Wilbraham Road. It appeared a section of the property was cleared to the river bank. The Agent conducted a site visit today, December 16<sup>th</sup> to investigate the violation. She determined clearing had occurred, though she could not say when. The disturbance was not new and affected approximately 10-feet of bank. She recommended requiring the vegetation that was removed to grow back. The vegetation that was removed was a mix of native and invasive species. She did note most of the riparian corridor in that section is riddled with invasive species.

**Next Meeting Date: Tuesday January 6, 2015 at 7pm @ Palmer High School Library**

**Meeting Adjourned: 9:00pm**

**Motion made by Dennis Cote to adjourn at 9:00pm**

**Motion seconded by Tharyn Nein-Large**

**No further discussion – vote taken: 5-0-0– Motion Carries**

Sincerely Submitted,  
Angela C Panaccione, Conservation Agent