



TOWN OF PALMER CONSERVATION COMMISSION

Palmer Town Building
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Robert Ring, Chair
Donald Duffy, Vice Chair
Peter Izyk
Dennis Cote

Agent: Angela Panaccione

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MEETING MINUTES

TUESDAY DECEMBER 3, 2013 @ 7:00 PM

Members Present: Robert Ring (Chair)
Donald Duffy (Vice Chair)
Dennis Cote (*left meeting at 8:15pm*)
Peter Izyk
Angela Panaccione (Agent)

Members Absent:

Also Present: Robert Natario, Mass DOT Highway Division
Attorney Charles F. Ksieniewicz (Town Counselor)

Meeting Opens: 7:00 PM – Robert Ring (Chair)

7:00 PM Request for Determination of Applicability – Mass DOT; Route 32/South Main Street

A Request for a Determination of Applicability, submitted by the Massachusetts Department of Transportation (Mass DOT), for the proposed work that will entail the road resurfacing of Route 32 and South Main Street in Palmer, MA. The proposed work will occur within the 100-foot buffer zone of various resource areas protected under the Wetlands Protection Act, but all work is located within previously disturbed paved public roadways and disturbed road shoulders. There is no proposed slope work, grading or work outside of the existing roadway. The location of the proposed project is Route 32 and South Main Street, Palmer, MA 01069, and is a Roadway Right-of-Way. Robert Ring opened the public meeting and no public was present besides the applicant Robert Natario, from Mass DOT Highway Division.

The project will begin on Route 32, at the Stone Street Bridge, and will continue the length of the road until the beginning of the bridge crossing the Quaboag River. No work is proposed on or beyond the bridge. The project is not a typical road resurfacing. The work will be accomplished through micro-milling; which will disturb only the top two (2) inches of roadway at maximum. All road shoulders and curbing will be replaced as part of the project. There will be no changes to the elevation of the road. The roadway will be identical to the current road, minus the crack and potholes. A new sidewalk and handicap ramp is also proposed, but the location is outside of all resource areas and buffer zones. No onsite drainage work is proposed, unless a current storm drain system fails during road reconstruction. There are repairs proposed to one catch basin, to convert it into a deep sump but this work is also outside of all resource areas and buffer zones.

Ring asked Natario what would be done to control on site erosion, especially erosion into the Quaboag River. Natario responded that the micro-milling machines have a vacuum attached to the back which sucks up all debris from the milling.

This road reconstruction project is exempt from the requirements for Riverfront Area per 310 CMR 10.58(6)(h) and will begin at the earliest, at the end of March. There will be no additional work of any kind without a new filing and commission approval.

Motion made by Dennis Cote to close the Public Meeting for the Route 32/South Main Street Road Reconstruction Project and issue a Negative Determination, Box 2,3,5 & 6, finding the work is not subject to either the WPA or the PWO

Motion seconded by Donald Duffy

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

7:10 PM Administrative Matters: Minute Approval – November 19, 2013

Motion made by Donald Duffy to accept the minutes from Tuesday November 19, 2013

Motion seconded by Peter Izyk

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

7:15 PM Cont. 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 re-opened the hearing and no public was present.

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 17, 2013

Motion seconded by Peter Izyk

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

7:20 PM Request for Certificate of Compliance (COC) DEP # 256-0287: 188 Stimson Street

The Commission received an “As-Built Plan” and a request for a Certificate of Compliance from John LaRose for the work completed at 188 Stimson Street, under the Order of Conditions for DEP # 256-0287. The project was for the construction of a single family home, with septic and new drive. The Commission conducted a site visit on Thursday November 21, 2013 at 9am. The area was stabilized, work complete and the required concrete bounds depicting the limit of work and 50-foot no disturb zone had been installed according to the plans.

Motion made by Dennis Cote to issue a Complete Certificate of Compliance for the work performed under the Order of Conditions for DEP # 256-0287

Motion seconded by Peter Izyk

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

7:25 PM Administrative Matters: Agent Reports

1. Forest Lake ANRAD: The Commission received a request to waive the Ordinance fee for an upcoming ANRAD for Forest Lake. The ANRAD will be for two properties that total approximately 90 acres in size off Forest Lake Road and River Street. The applicant desires to pay a “reasonable” fee for peer review consulting and move ahead with the submission and review of the ANRAD without an additional Ordinance

fee. The Agent calculated the fee to be approximately \$4475. The Agent also expressed concerns with her ability to verify delineations in the winter, especially with snow cover. Ring stated the applicant could wait until the spring, when the Agent felt comfortable verifying the delineations or submit the application now and the omission would hire an outside consultant for review.

Duffy stated he is not inclined to waive the fees. Forest Lake area is considered priority habitat by NHESP, and has several resources besides BVW to be confirmed as part of the ANRAD process. He believes the area is very sensitive and the commission should charge the maximum allowable fee, and additional money for an outside consultant.

Motion made by Donald Duffy to deny the request from EcoTech, to waive the Ordinance Fee and require the applicant pay the amount specified in the Commissions Regulations as \$4475 (\$25/1st acre; \$50/each additional acre)

Motion seconded by Peter Izyk

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

2. Camp Ramah – New Bunk House: The Agent informed the Commission about a site visit she attended today with Donald Frydryk (Sherman & Frydryk), to review the area for a new proposed bunk house at Camp Ramah. The new bunk would be in the Commissions 50-foot NDZ; but would be located in an area previously disturbed. The area for the new bunk is the location of the current playground. There will be no disturbances to any resource areas (BVW, Bank) and no proposed slope work. The applicant will file a NOI for the proposed work.
3. Expense Account Transfer: The Agent informed the Commission the expense account has been overdrawn by \$207. Over half of the account was used before August 1 this year for MACC dues and the wildlife viewing cameras. The Agent transferred permitted expenses from the expense account to the WPA funds to correct the overdraft.

7:30 PM Administrative Matters: Conservation Restriction (CR) for Crystal Lake DEP # 256-0194

Town Attorney Charles F. Ksieniewicz submitted a draft deed restriction to the Commission for review. Ksieniewicz informed the Commission that Town Council would also need to accept the CR as well. Ksieniewicz has reviewed the draft and is all set with the language and accepting it. He provided a new draft, in deed form, which outlines the Commission, will hold the CR but it will be the responsibility of Mass DEP to monitor and enforce. Ksieniewicz state he believes the CR is a good idea and will be good for the town. Ksieniewicz and Panaccione will attend the next Town Council meeting to discuss and present the deed restriction.

Motion made by Donald Duffy to accept and hold the Conservation Restriction (CR), and to agree to the terms and conditions of the Conservation Restriction and Deed Restriction, dated July 18, 2013

Motion seconded by Peter Izyk

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

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

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 Dennis Cote 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: Member Reports – Gate Locks for Conservation Roads

Donald Duffy informed the Commission about a complaint he received, from Paul Drenzek, concerning a gate on Bacon Road not being locked and people dumping trash on the road. The Agent checked the gates and question and supplied pictures to the commission.

The first gate (off 32 north in Ware) on Bacon Road was bolted, not locked. There was no lock, only a large bolt and washer. Ring expressed concerns with this for emergency personnel access and stated we should inform police, fire and ambulance of the status of the gate so they can be prepared in case of an emergency.

The other gate on Bacon Road (off the Ware-West Warren Road) was not locked and easily opened. Duffy recommended the Commission buy a new lock with several keys. After it is locked, a few keys should be given to Dick Hamilton at Nick Sport's Store in Palmer, on Park Street; he is a member of the Nenameseck Sports Club on Bacon Road. Duffy stated again, the reason it is important to keep the gate locked is that people go up the old road and throw trash on our property. The Agent inquired if Nenameseck Sports Club had keys to the gate previously, and if it was possible they removed the lock to allow access during hunting season. Duffy agreed it could be a possibility, and instructed the agent to check with Dick Hamilton to see if that was the case.

8:25 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, would not require the closure of a lane during construction, and would allow MassDOT an 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 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.

Motion by Donald Duffy that the proposed changes to the access route for the I-90 Stormwater Improvements are not significant enough to warrant an amendment to the current Order of Conditions

Motion seconded by Peter Izyk

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

Next Meeting Date: Tuesday, December 17, 2013 at 7 PM

8:30 PM Meeting Adjourned

Motion made by Donald Duffy to adjourn

Motion seconded by Peter Izyk

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

Sincerely Submitted,
Angela Panaccione, Agent