



TOWN OF PALMER CONSERVATION COMMISSION

Meeting Minutes

Tuesday, December 4, 2018 – 6:30 PM

LOCATION: Town Administrative Building Meeting Room

Donald Blais, Chair
David Cotter, Vice Chair
Peter Izyk
Nicholas Zeo
Brenda Cole
Dorothy Lawrence
Lucas McDiarmid

Angela Panaccione, Agent
Jeff Stanhope, Assistant

Members Present: Donald Blais, Jr.
David Cotter
Peter Izyk
Nicholas Zeo
Brenda Cole
Dorothy Lawrence
Angela Panaccione, Conservation Agent
Jeff Stanhope, Conservation Assistant

Members Absent: Lucas McDiarmid

Also Present: Robert LeMaitre
Don Martel
John Thomas, SWCA
Mike Strzemienski, L22 Sykes Street
Diana Strzemienski, L22 Sykes Street
Donald Frydryk, Sherman & Frydryk
Justin Kasunick, NexAmp

1. **Call to Order:** 6:34 PM – Donald Blais, Jr. (Chair)
2. **Chair, Member & Committee Reports:** No Chair, Member & Committee Reports.
3. **Review Phone/Mail/E-Mail Messages**
 - a. **FEMA – Watershed Study**

The Agent attended a discovery meeting in regard to the FEMA Watershed Study in Ludlow on November 29th. FEMA talked about how they are identifying new priority zones outside of the currently mapped area. It will be a several year process, but they went over all of the technicalities/technical stuff. There was a mapping exercise and attendees got maps of their towns on which they drew where problems areas are. The Agent gave FEMA the drawing that she did and they will be sending her a .pdf that she will be bringing to the Commission, so that we can look at it and determine if there are any other areas of concern to add. The revised and final map will be due January 11th.

4. **Public Inquiries:** No Public Inquiries Scheduled.

5. Approval of Minutes

a. October 30, 2018

Motion made by Peter Izyk to approve the minutes from October 30, 2018 as amended.

Motion seconded by David Cotter.

No further discussion – 6-0-0 – Motion Carries.

b. November 13, 2018

Motion made by Brenda Cole to table the minutes from November 13, 2018 to the next scheduled meeting on Tuesday, December 18, 2018 at 6:30 pm.

Motion seconded by Dorothy Lawrence.

No further discussion – 6-0-0 – Motion Carries.

6. Approval of Payables

a. Mileage Reimbursement – Angela Panaccione: \$317.19

Motion made by Brenda Cole to approve the payable to Angela Panaccione in the amount of \$317.19, for Mileage Reimbursement for the month of November, from the Conservation Commission Town Wetlands Ordinance (CONFEE) Account.

Motion seconded by Peter Izyk.

No further discussion – 6-0-0 – Motion Carries.

7. Signing of Documents (DOA, OOC, COC, Ext, Etc.)

a. Ratify Enforcement Order DEP #256-0332

On 11/19/2018 NexAmp requested a pre-activity meeting with the Conservation Agent to review the installed erosion controls at L12 Breckenridge Street. Upon reaching the site it was documented that work was already occurring prior to authorization and work was occurring beyond the approved limits of work as well. The contractor had cut most of the vegetation in the Bordering Vegetated Wetlands (BVW) and work was also conducted that disturbed the bank of a stream resulting in the stream breaching the banks and free flowing across the access road in several locations.

Additionally, the MA DEP file # sign was not posted, the NPDES sign was not posted, and no recording information was submitted for the OOC. Tree removal began before a pre-construction meeting and the site plan appears to not align with the work being conducted. Wetland Flags 3 through 6 are missing due to the removal of the vegetation on the stream bank that once contained those flags.

Violations documented include:

1. Clearing occurred prior to authorization.
2. Clearing occurred within resource areas and the 100-foot Buffer zone.
3. An unnamed stream and its Bank had been significantly disturbed from direct Tree Removal; resulting in soil disturbance, stream instability, and changes to the natural hydrologic regime throughout the property.

4. It is evident the stream and its BVW are under threat of further damage from direct evaporation due to the loss of canopy cover. As this is a tributary to an OWR and a CFR, loss of cover has a significant affect on the streams capacity to provide wildlife habitat.

Justin Kasunick of NexAmp and Don Frydryk of Sherman & Frydryk were present at tonight's meeting. The Agent stated Don went back and put stakes in with wetland flags where the previous wetland flags went missing when vegetation was cut and removed. The Agent requested NexAmp immediately stabilize the stream channel in order to prevent it from free flowing across the roadway, which they did already by building up make-shift berms. She had one additional request for them to put something around the pile of material they excavated out in order to prevent rain from washing it away. Justin said they would add controls there in the requested area of concern and asked if straw wattles around there would be okay since the material sits on asphalt. Dorothy Lawrence said she is worried about the rain and the Agent mentioned the special conditions address the concern for heavy rainfall. The Agent mentioned all of NexAmp's equipment has already been removed from the site. Dorothy stated her biggest concern is water issues and how the straw wattles may not be sufficient. David Cotter explained in the area of concern the material is mostly solid dirt, therefore a fairly stable pile. Justin commented about the amount of organic material in it too. He addressed how the rebuilding of the berm had been done according to plans that Don drafted, so that the bank could be immediately stabilized as well.

The Agent stated in accordance with the Order of Conditions (OOC) slash, which the pile of excavated material contains, cannot be stored like that in the buffer zone. Don said as they go through the draft of their restoration plan, he was curious if the Commission can approve it as being part of the restoration process, as there is a lot of organic material in the pile that they plan to re-use for the remainder of restoration work. The Agent said she thought about that afterwards, but would like to see the pile of excavated material go out because of the vast amount of invasive species inside of it. David Cotter asked about the potential for adding conditions for management of the invasive plant species for the whole property as a solution if the Commission were to approve the re-use of the material pile for restoration. The Agent answered she did not agree because the loam-like material from the pile is filled with invasive species seed stock, so if it were added it would make managing for invasives very challenging. She would like to see the results of what would happen if the pile in the area of concern was covered with tarp and then straw wattles, in order to prevent wind throw of invasive seed and spread of them even further. David questioned why they cannot have a condition for invasive species management. The Agent responded they could, but in terms of the restoration clean loam should be used and not the loam-like material in the pile of excavated material that is filled with invasive seed stock. David then suggested an invasive species management condition for the entire site and the Agent reminded invasive species seed stock is still the issue in regard to re-using the pile of excavated material.

David Cotter commented about how birds will bring in invasive seed to the site and cause an invasive plant species problem regardless, therefore it would be good to have a condition for invasive species management for the entire site. Don mentioned they would have a plan like that for the upland areas such as maintenance mowing around the solar arrays/panels to prevent and control invasives from growing. The Agent said we can look into adding a special condition for total invasive species management that is inclusive of the whole site. Her first concern is that the pile of excavated material is addressed and moved off site. Justin said he could be amendable to the invasives idea and would take care of the pile, but asked in the mean time about covering it with a tarp and adding straw wattles. The Agent said if they used blocks to hold the tarp down and keep it stablized, then they may not need the straw wattles, pending how it goes. The Agent outlined the conditions of the enforcement order and Don informed the Commission about the wetlands consultant that they will be maintaining to the review, maintain, and monitor the wetlands (Pete Levesque of Wetland Consultants, Inc.).

The Agent reminded the Conservation Commission that the applicant is still currently under a stop work order. She originally said it would go until they received an approved version of a restoration plan, which would be provided by the Wetlands Consultant. The Commission does have to approve this on December 18, 2018 in order for the stop work order to be lifted. David Cotter asked if the applicant can work on the back end of the property and the Agent answered there is no work allowed at all whatsoever. Don stated to the Conservation Commission that their revised plans will definitely address the specific concerns of the Commission. Don Frydryk presented his plan thusfar to the Conservation Commission. He pointed out where the cutting occurred is wetland flags 3 – 6. The Agent and Don walked the site and water was still free flowing at the time of their visit. The applicant raked out the leaves that built-up in the stream so that is no longer a problem. Based on the walk today, the wetlands consultant provided a plan that Don handed out to the Commission, which listed the main things that would be addressed in order to solve the problems that were part of the violations.

David Cotter commented where the pavement is along the stream, they will have to dig below that level, which he is worried will pull the stream into there. He is concerned where the dig will occur it will no longer hold in the channel of the stream. Don Frydryk said if they put the coir log in first they would actually be pulling the material over enough before taking the pavement out, therefore the stream channel will be better stabilized, rather than flowing up and over across the access road. Don believes the coir log will keep the stream within its banks permanently, and the bank besides it are to additionally stabilize and keep the stream better intact in its channel. He said that all materials will be on site before hand in order to re-stabilize with erosional controls and then do rye seeding. Don thinks that the coir log in itself also backed up by the berm will better define the stream than it currently is. Brenda Cole asked what kind of impacts it would have on the Cold Water Fisheries (CWF), especially over the next few years. The Agent requested larger species could be requested in order to have larger canopy percentage and cover in order to better provide shade to protect the temperatures of the CWF. Don said that along the bank vegetation still remains, not large, but even with what remains with the additional plantings, it will improve as time goes on. He also stated because there was pavement, the water temperatures were higher before, so now with the berms he expects the temperatures to be lowered for the stream to improve upon it as a CWF or at least maintain its current status.

The Agent recommended they address a small fine for some of the violations, especially not having the signs up and going beyond the limit of work, so she is wondering if the Commission wants to discuss it. Dorothy Lawrence asked about specific amounts and the Agent said \$300 per type of violation, per day of violation. David Cotter explained that she stopped them right away, so it would be for 1-day essentially. Brenda Cole asked about how many violations and the Agent stated 2 major violations (3 violations that she had written down all together). 1. No file sign 2. The work before the meeting 3. The work within the resource area. Dorothy said that violation number 3 should definitely be a fine. Nicholas Zeo asked if we should act on it tonight or wait until next meeting or if it is a completely separate issue. The Agent does not agree with that because it's not the first time they've gone through this process and they should know what they are doing. She stated that \$900 is not a large fine in the big scheme of things and it sets a very good example for future solar projects. Nicholas was only thinking on good faith and the Agent said she recommends against that. The Agent recommends going ahead with a \$900 fine and Nicholas asked if anything else happens again would we fine again and the Agent responded correct.

Don and Justin commented on wanting to move forward with the project, so the applicant would pay the fines if that's what it would take. Justin apologized to the Commission on his missteps and is looking forward to moving forward on the project in the right direction; and if the fine is the path forward then it is the path forward. The Agent wants to word this correctly in terms of the language associated with the fines; so we assess the fine in lieu of going through the ticketing process and going through the courts,

we have the option to accept a restitution payment in lieu of sending the notice of fines to court. The Agent stated the fine would be a \$900 restitution payment in lieu of a civil infraction through the courts.

Pete Levesque of Wetland Consultants, Inc. provided a report of Preliminary Restoration Bullets for the site between wetland flags W2 & W5, which is as follows:

- Remove invasive species. (bittersweet & muliflora rose)
- All native saplings, shrubs and stumps to remain.
- Remove wood debris and leaves.
- Cut and remove pavement within 6-feet of the southerly intermittent stream edge.
- Install 8-inch diameter coir logs along the southerly edge of the stream.
- Fill behind the coir logs with loam to create an soil berm, which tapers approximately 4-feet to the south and blends to the pavement grade.
- Compact soil and cover the berm with American Green coconut fiber eroision control blankets.
- Seed with winter rye for winter stabilization.
- Plant 36-inch tall red maple, slippery elm & black birch saplings. (Spring)
- Plant 24-inch silky dogwood, spicebush & willow shrubs. (Spring)
- Overseed with a conservation / erosion control seed mix. (Spring)

Motion by Brenda Cole to maintain Pete Levesque as the wetlands consultant.

Seconded by David Cotter.

No further discussion – 6-0-0 – Motion Carries.

Motion made by Nicholas Zeo to ratify the Enforcement Order issued on November 29, 2018 for DEP #256-0332 for Breckenridge Solar, LLC. With the following conditions:

- 1. Violator shall attend the next Conservation Commission meeting scheduled for Tuesday December 4, 2018 at 7:00 pm, 4417 Main Street, Palmer, MA**
- 2. Violator shall nominate to the Commission a qualified wetlands consultant (having at least 5 years experience in wetlands delineation and restoration) no later than December 4, 2018. Such consultant shall be dependent upon approval by the Commission. Approved consultant shall assist and conform with all assessment, removal and restoration procedures as required under this order.**
- 3. A draft wetland Resource Area Restoration Plan (RARP) shall be prepared and submitted by the violator and his consultant (approved in #1) to the Commission no later than December 4, 2018. Such plan shall include:**
 - a. A Construction Sequence Report: a detailed sequence of complete restoration of all resource areas**
 - b. Resource Area Delineations: a delineation of all on-site resource areas as identified under the Massachusetts Wetlands Protection Act (WPA), including on site soil borings;**

- c. **Resource Area Impacts:** calculations of any and all impacts to such identified resource areas;
 - d. **Site Plan:** a scaled site plan (not more than 1"=50') showing all resource areas, and impacts to resource areas and restoration area(s);
 - a. **A Detailed Narrative:** a detailed narrative restoration plan showing compliance with the General Performance Standards for each identified resource area as detailed in the WPA and the PWO/PWR
 - b. **A Replanting Plan:** a detailed replanting plan showing the proposed location and quantity of native plantings to revegetate resource areas. The plan should show the proposed location and quantity of native plantings to revegetate the roads within the BVW
5. **Prior Notice & Pre-Activity Meeting:** The Commission shall be given 48 hours' notice prior to the beginning of restoration activities. The Commission must meet with the construction engineer and the wetland specialists to discuss the requirement and to ensure compliance with all special conditions.
 6. **Site Supervision:** Restoration activities must be supervised by a wetland specialist who shall be a professional with experience in wetland restoration, wetland hydrology and a working knowledge of botany. Such a person shall be retained to supervise and monitor the restoration activities until the area meets the requirements of this Order. The wetlands specialist shall monitor all removal and restoration procedures and shall produce written and/or photographic reports to the Commission of each portion of the plan.
 7. **Quantitative data** indicating the status of the project with respect to the performance standards and pertinent conditions of this Order shall be submitted to the Commission as an initial report. This report shall include: excavation date and process, wetland soil depth, any planting and replanting dates. (3 months allows for repair or replanting if needed during the process, so that the final approved replication area is not delayed)
 8. **Seasonal Monitoring Reports** shall be prepared for each restoration area. Monitoring reports shall describe, using narratives, plans, and color photographs, the physical characteristics of the wetland replication areas with respect to stability, soil characteristics, survival of vegetation and plant mortality, aerial extent and distribution, species diversity and vertical stratification (i.e. herb, shrub and tree layers) and shall describe the hydrologic conditions of the restoration area, and any remedial work that may be necessary. The monitoring reports shall be submitted to the Conservation Commission at least every three months until compliance is achieved.
 9. **Any additional damage** caused as a direct result of this project to any wetland resource areas shall be the responsibility of the applicant to repair, restore and/or replace. Sedimentation or erosion into these areas shall be considered damage to wetland resource areas. If sediment reaches these areas the Commission shall be contacted and a plan for abatement of the problem and proposed restoration/mitigation measures shall be submitted for approval and implementation.
 10. Upon acceptance or modification of the RARP, all work conducted under the plan shall be completed no later than April 30, 2018.
 11. Violator shall notify Commission upon restoration, and completion of such restoration shall be inspected and approved of by the Conservation Commission.
 12. All plantings shall be native to the area, viable for at least the first two growing seasons and subsequently replaced if deemed necessary by the Commission.

13. Given the nature of the violations on site and the ongoing efforts of the Palmer Conservation Commission's and/or its Agent's to address these violations, the Conservation Commission and/or its Agent reserve the right to amend this order as necessary and impose additional such conditions as may be needed.

14. Any amendment to the existing enforcement order and/or new conditions shall be ratified by a majority of the members of the Commission at the next scheduled meeting.

15. The Palmer Conservation Commission and/or its Agent shall have the right to enter the property to inspect work under this order.

Motion seconded by David Cotter.

No further discussion – 6-0-0 – Motion Carries.

Motion made by Nicholas Zeo to utilize the option to receive a \$900 restitution fee in lieu of a civil infraction through the courts.

Seconded by Peter Izyk.

No further discussion – 6-0-0 – Motion Carries.

8. Schedule of Public Hearings

- a. Abbreviated Notice of Resource Area Delineation (ANRAD) DEP #256-0334 BWC Dumplin Brook, LLC: L22 Sykes Street (Map 18 Lot 22)**

The applicant has submitted an ANRAD to confirm the precise boundaries of jurisdictional resource areas, which have been delineated at L22 Sykes Street. No work is proposed as part of this application.

John Thomas of SWCA was present at tonight's meeting. He walked the site with the Agent and they made changes to the ANRAD, as well as minor adjustments to flags, specifically the R Series. He believes they have confirmed the Wetlands Delineation Boundary (WDB).

Peter Izyk asked if the culvert was removed from the site plan and if so, if that means they never found it. John confirmed yes, and that when he asked his agent about the culvert in question, they said it was a bad GPS point. Donald Blais asked if there was about any further comment from the Commission of from the public.

Diana Strzemienski asked if tonight's meeting means that the ANRAD is confirmed and if they've done what they've needed to do so far as landowners. John commented that they have only completed this one step of many more steps in the process.

John signed the ORAD for hand-delivery and the Agent will register it for e-file after she has photocopied it.

Motion made by Nicholas Zeo to close the public hearing at 7:11 pm.

Seconded by Peter Izyk.

No further discussion – 6-0-0 – Motion Carries.

Motion made by Brenda Cole to confirm BVW: A5-A19, B1-B33, C1-C27, C36-C122, C129-C141, D1-D6, D18-D20, D26-D43, E1-E12 and BANK: CB28-CB25, CB123-CB128.

Seconded by Peter Izyk.

No further discussion – 6-0-0 – Motion Carries.

Motion made by Peter Izyk to modify the BVW: DETONATED AS R SERIES FLAGS ON REVISED 11/9/2018 WETLAND RESOURCE AREA PLAN – Flags A7R, A10R-A13R, A17R, A18R, B2A, B12R, B16R, B18R, C17R, C18R, D1A, D1B, D7R, D20A, D35F, D36F
Seconded by Nicholas Zeo.

No further discussion – 6-0-0 – Motion Carries.

Motion made by Dorothy Lawrence to not confirm ANYTHING SOUTH OF A19, ANYTHING NORTH OF D18, ANYTHING WEST OF C1/C141 and FLAGS: A9, C76-79, D7-D17, D21-D26, D44-D67. Additionally this order DOES NOT CONFIRM THE BOUNDARIES FOR ANY OTHER RESOURCE AREAS THAT WERE NOT DELINEATED AS PART OF THE ANRAD APPLICATION (OWR, NHESP, ECT). THEY WILL BE INCORPORATED IN THE SUPPLEMENTAL NOI. ALSO FLAGS THAT WERE PRESENT IN THE FIELD BUT NOT REQUESTED TO BE CONFIRMED AS PART OF THIS DELINEATION WERE NOT CONFIRMED AND ARE LISTED ABOVE.

Seconded by David Cotter.

No further discussion – 6-0-0 – Motion Carries.

b. 7:00 PM Request for Determination (RDA) SFH Addition: 44 French Drive (Map 68-63)

The applicant is requesting a determination to see if the work associated with the addition of a 280 SF covered deck to an existing home is subject to the Wetland Protection Act and the Town of Palmer Wetlands Ordinance.

Proposed Work: The project proposed consists of renovating the existing home, within its current footprint, and to add an open 280 SF wooden deck to replace an existing stone and concrete patio in front of the dwelling. The work will be in the buffer zone to Lake Thompson. The yard surrounding the home is currently grass which will remain. The area created by the removal of the existing patio will also become lawn. The proposed deck will be elevated and supported by 4 inch steel columns set on concrete footings placed below the earth's surface. The columns will occupy 0.086 SF each for a total area of less than one half (0.43) square foot of material being placed in the buffer zone. This new impervious area will be more than offset by the removal of the existing 155 SF concrete and stone patio resulting in a 154.5 SF increase in pervious area on the lot. This will provide for greater infiltration of stormwater than currently exist.

Although the most southeasterly corner of the deck will be within 43-feet of the lake it will not impact or interfere with the buffer zone because it will be elevated several feet above the current grade. The removal of the existing patio, benefit the buffer zone by making room for added vegetation. The design is such that no trees will be cut work carefully performed so that no trees are damaged. Prior to construction silt barrier will be installed to control erosion and sediment. The barrier shall remain in place until the grass is well established.

The Commission has determined the work associated with the proposed 14' x 20' deck is located entirely within previously disturbed area (altered/regularly maintained lawn) within the 100-foot Buffer Zone to BVW, and with the use of proper erosion & sedimentation controls and the restoration of all disturbed areas upon completion of construction, the proposed 14' x 20' deck addition will not alter adjacent Resource Areas.

Motion made by Nicholas Zeo to close the public hearing at 7:25 pm.

Seconded by Peter Izyk.

No further discussion – 6-0-0 – Motion Carries.

Motion made by Peter Izyk to waive the 50-foot no disturb zone.

Seconded by Brenda Cole.

No further discussion – 6-0-0 – Motion Carries.

Motion made by Brenda Cole to make a negative determination that the work described in the Request is in the Buffer Zone, as defined by the regulations, but will not alter an Area subject to protection under the Act. Therefore said work does not require the filing of a Notice of Intent subject to the following conditions:

- 1) Prior to any activity on site, the limits of wetland resource areas closest to the garage shall be flagged with surveyor's tape and the flags shall remain in place during construction. Additionally, the limit of work shall be clearly marked with erosion control, construction fencing, stakes or flags, and shall be confirmed by the Commission or its agent. Such markers shall be checked and replaced as necessary and shall remain in place during construction (until all construction is complete). Workers shall be informed that no use of machinery, storage of machinery or materials, stockpiling of soil, or construction activity is to occur beyond this line at any time.**
- 2) The applicant shall notify the Conservation Commission at least 48 hours prior to any activity on the site and shall provide the name(s) and telephone number(s) of all person(s) responsible for compliance with this Determination.**
- 3) No work shall be performed during rain events in order to minimize runoff and washout situations. Site grading and construction shall be scheduled to avoid periods of high surface water. Once begun, grading and construction shall continue in an expeditious manner to minimize the opportunity for erosion.**
- 4) Siltation barriers and erosion controls shall be installed according to the site plan entitled Building Permit Plot Plan at 44 French Drive, in Palmer Prepared for Donald R. & Sharon Martel; Scale 1" = 30'; dated 10/30/2018; Signed & Stamped by R. H. LeMaitre and shall remain in place until all disturbed areas are re-vegetated and stabilized.**
- 5) All Erosion control measures shall be inspected cleaned or replaced during construction and shall remain in place until stabilization of all areas that may impact resource areas is permanent. These devices shall also be inspected to assure that the maximum control has been provided, and maintained or reinforced as necessary. Any entrapped silt shall be removed to an area outside the buffer zone and resource areas, and maintained or reinforced as necessary.**
- 6) The applicant shall immediately control or correct any erosion problems that occur at the site and shall immediately notify the Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary.**
- 7) Only upon completion of this project, and when The Commission and/or its Agent is assured that there is complete stabilization of all areas, shall erosion control measures be removed.**
- 8) All exposed soils and other fills shall be permanently stabilized at the earliest practicable date. Excavated areas and stockpiled material shall be located at the furthest possible distance from all resource areas to prevent erosion into wetland areas. Material shall be removed from the site shall be properly disposed of per all local, state and federal regulations.**
- 9) All top soil stock pile areas will be protected by silt fence armored with straw bales or equivalent.**
- 10) All disturbed areas, slopes and proposed landscape areas shall be loamed and seeded or stabilized through the use of erosion control blankets or other approved means. All disturbed areas will be graded, loamed and seeded prior to November 1 of each year, if possible. No disturbed areas or stockpiled material will be left unprotected or without erosion controls during the winter.**

- 11) **Loaming and seeding will occur within (5 - 30) days of final grading. Barren areas should be stabilized by seeding if work on the project is interrupted for more than 90 days, unless the 90 days are in the winter. If this condition should occur, the applicant shall request a determination from the Commission as to whether seeding or an alternative measure should be conducted.**
- 12) **The seed stock to be used to restore disturbed areas shall complement or contain native flora and be of proven value to local wildlife.**
- 13) **The contractor shall be provided a copy of this Determination, and the Conservation Commission shall be notified of the name, address, phone number, and the contact person of the contractor.**

Motion seconded Peter Izyk.

No further discussion – 6-0-0 – Motion Carries.

9. Requests for Certificate of Compliance: No Requests for Certificate of Compliance.

10. Project Monitoring

a. DEP #256-0331: 271 Breckenridge Street Solar

The Agent received two complains, one about stormwater coming off site, another complaint about leaking/leaky equipment on site. The Agent did two separate site visits, one was to review the runoff. Even though it's coming from the site, it's not coming from the site, if that makes sense. It's essentially groundwater from the wetlands on the site, but it's coming from the neighbor's driveway, and the seep is in the neighbor's driveway. The Agent documented that it wasn't a violation, but that she stilled checked it out and had them put extra erosion controls in the problem area in order to satisfy the complaint. David Cotter asked the Agent if she saw the area where a dead tree took the silt fence out. The Agent answered yes she discussed that with them too, and that they are going to fix that. They will have the Agent back on site to perform a rough grading check sometime this week. They did put a detention basin at the end of the road to catch the water. David believes in the area where they installed a sediment trap a tree was knocked down outside of the limit of work during the excavation of the sediment trap. There is scarring and markings on the downed tree evident of heavy equipment or machinery damage. The Agent responded that she had not looked down that far yet, but that she will check on that this week when she goes down there again for the grading check.

In regard to the leaking/leaky equipment complaint, the Agent met with the Department of Environmental Protection (DEP) on site with the site contractor. DEP think it's just used motor oil that may or may not be coming from the machines. David Cotter checked out the liquid as well, but his assessment was that he did not think it was motor oil. David mentioned it's an area where water pools where they keep their equipment. The Agent said that DEP Bureau of Site Cleanup didn't feel that there was a violation, but as part of their Stormwater Pollution Prevention Plan (SWPPP) reports every week they're going to start doing vehicle maintenance checks and including them. Therefore, the Agent had they give us all of their SWPPP reports to date, so they are available for members of the Commission to look at them. The Agent also had them document the incident with the spilled oil with DEP and the corrective actions needed as well. David asked about how much work they are allowed to do on site to the machinery, in terms of repairs or maintenance, such as changing oil. The Agent responded that there was no language associated with that specific matter or any restriction on it whatsoever. Nicholas Zeo asked how far along they are with the logging and David answered that they are all done. The Agent mentioned that they dropped the grapple load of wood off at our compost pit. Nicholas made a comment about the usefulness of the signage that reads "wetlands no work."

11. Violations & Enforcement:

a. DEP #256-0312: MA DOT Turnpike (DOT to assume oversight)

The Agent gave a quick update and stated that the areas of sediment have been very stable probably due to the weather and the contractor will be doing the sediment removal portion of the restoration soon. The Agent will get a work start date from them. MassDOT Environmental Section is requesting that Robert Natarro be allowed to oversee and report on the remaining sediment removal work, as well as do the erosion control monitoring and submit reports to us directly in lieu of AECOM for the final two sections.

Motion made by Dororthy Lawrence to allow MassDOT Environmental Section Robert Natarro to oversee and report on the remaining sediment removal work and erosion control monitoring.

Seconded by Peter Izyk.

No further discussion – 6-0-0 – Motion Carries.

b. 96 Rondeau Road:

The Agent gave an update and stated that the work is done except for the the tree plantings; the trees have been ordered, but they have not been delivered yet. She did send the order and payment for them, so she will let the Agent know as soon as the trees are in. She also requested that since the Agent already inspected it and the Commission is going to come back in the spring anyway, if they can finish the work without having their wetlands consultant come back and do a final report. The Agent did not have an issue with this, as it's a small violation on a single family home and they have spent a good deal of time on it. Therefore, the Agent told her that she didn't see a problem with it, but that she would run it by the Commission for confirmation.

Motion made by Peter Izyk to allow the landowners not to have the final inspection done by the wetlands consultant.

Seconded by Nicholas Zeo.

No further discussion – 6-0-0 – Motion Carries.

c. Lot 2 Boston Road:

This is the Agents final inspection to lift the enforcement order because we said we would continue it until after hurricane season is over. She is very impressed with the work that was done, as it held up nicely and is actually stable. The Agent showed a slideshow of photographs she took today at the site. She mentioned that even with the rain we've had nothing has moved out of place, as well as the fact that the stream channel is running smooth and clear, unlike with the erosion we had a problem with before. The photographs also showed the culvert that was repaired. She believes the reason why the first restoration obviously failed is because it was all plantings and trying to stabilize the slope and everything with vegetation, when the stream itself is a high order stream that is mostly just rocks anyway. Therefore, the second time around by mimicking upstream/downstream with all of the boulders and cascades has it perfect because the water is clear and nothing is coming out. The culvert is currently nice and exposed without any real debris. The Agent stated that the diversion pipe is now all completely closed as well.

The Agent recommends we lift the enforcement order for DEP #256-0309 pending the receipt of the \$200 lifting of enforcement order fee.

Motion made by David Cotter to lift the enforcement order for DEP #256-0309.

Seconded by Brenda Cole.

No further discussion – 6-0-0 – Motion Carries.

d. 103 Water Street:

The Agent stated that it was requested by Town Council that she go investigate the Lamothe property. The complaint was that Blake Lamothe cut down all of the trees in the wetlands and that he cannot do this. The Agent visited the site and she commented about how all of the woody stems were broken, therefore she believes he didn't actually cut them down. The photos show they all appeared to be broken, so the trees were already dead from a combination of Gypsy moth plus the weather lately. The trees were dead or dying and susceptible to breakage from storm damage. It can be noticeably seen where the damage was done in the canopy of the trees caused by storm damage, specifically where the branches broke off.

The Agent said there is no sign of stumping in the area and several of the trees are still complete with the root ball attached to them; an indication of blowovers. Blake said the work he was doing was moving them all into a pile to make it easier to process it all into firewood, as well as was going to continue to cut more dead wood for firewood. The Agent is giving him the benefit of doubt.

Peter Izyk commented about the damage they witnessed there from goats in the past. David Cotter said the goat damage essentially girdled the trees. The initial complaint was that Blake was cutting it all down but the Agent said he was not cutting it all down. She didn't see any marks on the trees that would've been left from utilizing equipment. The complainee said that Blake was using his tractor to pull the trees out of the ground and that is why the root balls were still attached. They said they would capture a video next time if it happens again.

Donald Blais and the Agent asked if there were any further questions or concerns from the Commission. Dorothy Lawrence asked if the goats eating the trees in the wetlands that caused them to die would be a violation in itself. The Agent answered no because he has an agricultural exemption under the Wetlands Protection Act (WPA). Nicholas Zeo asked if the area with the livestock on the site is wetlands and the Agent responded no, and Peter Izyk said it's close nearby to the river. The Agent said it's floodplain and riverfront but it's not wetlands, therefore there are buffer zones. Blake is outside of the 25-foot riverfront, which is all there is on that site in terms of buffers.

12. New/Old Business

a. Administration of 2017 MA Trails Grant – Gazebo

The Agent stated that there is an obvious disconnect between New England Outdoors and Eastern Shed Company. She looked over the contract with them and it does say we have to trim the area, but that's about the extent of the work we need to do. When she had a discussion with who will install/place the gazebo, she learned that they don't put down any crushed stone, rather they just set it down on blocks. Therefore, we are responsible for any additional work necessary for a stable gazebo delivery onto the site. The company said they will deliver the gazebo by the end of next week, so we have to clean up the entire area and stake out where we want the gazebo placed as soon as possible. The Agent requested for David Cotter to stake out the 14' x 20' gazebo with four stakes. We are still waiting on paperwork like the framing plans and other documentation for the building permit, but if they can get everything in by this Thursday, they will be okay to deliver the gazebo next Wednesday. The Agent did submit the request for AmeriCorps for 5 days for the fencing, the fixing of the grade/cross slope of the actual trail, and the adjusting of the trail in the area where the gazebo will be in order to frame it out for ADA access as well as possibly fill it in. Brenda Cole asked if it was an ADA gazebo, but next to the gazebo we are going to be bumping out the trail frame and filling it in with stone dust accordingly, in order to make the gazebo ADA accessible. Nicholas Zeo asked if the trail would meet the gazebo and David said the grading will because we will open the trail up and grade it to the gazebo. The Agent said we will remove the sideboards and funnel the trail into the gazebo entrance, like a new part of the trail that stems towards the gazebo. Nicholas also asked about the piles of slash and the Commission decided to burn it.

b. Updates on other grants:

The Agent mentioned we may possibly get extra funds for the culvert grant to see through permitting because some of the other projects are coming in under budget, therefore we were offered additional funds. Our funding would go from 34k to 35k, so that would increase the money we could get from FEMA as well. The culvert replacement grant is a great thing for municipalities. Pioneer Valley Planning Commission (PVPC) has been working with our DPW, our consultants, and FEMA to do the benefit cost analysis for the culvert grant and our consultants will be providing a baseline estimate for what our costs will be. Part of the road that the culvert is on (Route 181) will be closed soon because they will be doing soil boring.

The Agent commented that we should hear back about the LAND grant, fingers crossed, any day. We will re-apply for the grant for Forest Lake based on comments received from DEP for that. Nicholas Zeo asked about frequency of grants for the state purchasing land or potential purchases and the Agent answered yes that they are offered annually.

The Commission was invited last week to Ware Open Space to discuss collaborating on and connecting the Mass Central Rail Trail, to see if it could go forward with research. The plan would be to apply for a joint grant through DCR for a feasibility study to move forward. The Agent would be working with their Town Manager. The project would connect the trails where Emery Street is on the Ware/Palmer line. They will be researching the costs associated and the ownership restraints, based on following the old trail or altering it. The trail is has Grand Trunk Trail relation, which is working on expanding itself.

c. 115-117 Springfield Street complaint:

Elizabeth Martin of 123 Springfield Street called in a water complaint to our office. Her complaint is that she is getting a lot of water on her property again, specifically in the backyard. Years ago someone re-routed a stream and put in a perforated pipe and redirected it into a catch basin. Peter Izyk said the same issue had been dealt with in the past and if we can pull the old file from back when Dave Johnson was the chairman it would help as a reference. The Agent is unsure what she should be looking for, but mentioned how Elizabeth is at the bottom of the hill and the groundwater table is very high in that area.

d. Approve Outside Consultant for DEP #256-0336:

We sent out the consultants applications. SWCA is only one who got back to us in time.

**Motion made by David Cotter to approve SWCA as an outside consultant for DEP #256-0336.
Seconded by Dorothy Lawrence.
No further discussion – 6-0-0 – Motion Carries.**

13. Office Closed: Wednesday December 19, 2018

14. Set Next Meeting Date: Tuesday, December 18, 2018 @ 6:30 pm

15. Meeting Adjourned: 8:51 PM

**Motion made by Dorothy Lawrence to adjourn at 8:54 PM.
Motion was seconded by David Cotter.
No further discussion – 6-0-0 – Motion Carries.**

Sincerely Submitted,

Jeff Stanhope
Palmer Conservation Assistant