



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

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

MEETING MINUTES

TUESDAY FEBRUARY 17, 2015 @ 7:00 PM

Meeting Location: Palmer Police Station Conference Room, 4419 Main Street, Palmer MA

Members Present: Robert Ring (Chair)
Tharyn Nein-Large
Dennis Cote
Peter Izyk
Angela Panaccione (Agent)

Members Absent: Sarah Brodeur
Donald Duffy (Vice Chair)
Sean O'Donnell

Also Present: Brett Trowbridge, Oxbow Associates
Fred Ferguson (Palmer Motorsports Park), 58 West Ware Road
Donald Frydryk, Sherman & Frydryk, LLC.
Marcus Nutter, 385 Rondeau Road
Debbie Sourdif, 385 Rondeau Road
Sheryl Jyringi, 70 West Ware Road
Paul Les, Breton Realty
Raymond Breton, Breton Realty
Peter Levesque, Wetlands Consultants Inc.

Meeting Opens: 7:10 PM – Robert Ring (Chair)

7:10 PM Request Determination of Applicability (RDA): 58 West Ware Rd – Palmer Motorsports Park

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.

Brett Trowbridge submitted a revised narrative for the septic plan. The Agent recommended continuing the hearing until BOH approval is received on the system.

Robert Ring asked if any members had any comments. There were none.

Robert Ring asked if the public had any questions or concerns. There were none.

Motion made by Peter Izyk to continue the Public Hearing until Tuesday March 3, 2015 at 7:00 pm

Motion seconded by Tharyn Nein-Large

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

7:12 PM Notice of Intent DEP #256-0307: 58 West Ware Rd – Palmer Motorsports Park

A Notice of Intent submitted Oxbow Associates c/o Palmer Motorsports Park, 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 project entails tree cutting and grading within the 100 foot buffer zone. Bridge abutments are proposed outside the wetland at the narrowest wetland constriction. The project also includes cutting seven trees within the vegetated wetland for the construction of the bridge. The location of the proposed project West Ware Road, Palmer, MA 01069, and is also known as: Map 49-4, 51-1.

Brett Trowbridge submitted an Operation and Maintenance Plan for the pervious pavement on the access road. Monitoring reports for the road will be submitted yearly in the spring and fall.

Brett Trowbridge presented the plans for the installation and removal of the steel pilings. The temporary steel pilings will be installed at the crossing to protect the stream by securing the surrounding ground so it will not collapse into the wetlands during excavation. The pilings will be installed below the excavation depth using vertical vibrations. They will be removed once the bridge footings are in place and the side slopes are stabilized; before the decking goes in.

The Agent reviewed the findings of fact and the conditions with the Commission. Special conditions will be included to condition tree removal, the monitoring of pervious pavement and permanently marking the limit of work.

Robert Ring asked if any members had any comments. There were none.

Robert Ring asked if the public had any questions or concerns. There were none.

Motion made by Dennis Cote to close the Public Hearing

Motion seconded by Peter Izyk

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

Motion made by Peter Izyk to issue the Order of Conditions

Motion seconded by Tharyn Nein-Large

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

7:22 PM Extension Permit DEP #256-0269: 58 West Ware Rd – Palmer Motorsports Park

Fred Ferguson, of Palmer Motorsports Park, submitted a request for an extension on the existing Order of Conditions in August of 2014. Due to the active investigation being conducted by Mass DEP it was recommended the Commission wait to issue the extension. Since the request was officially submitted 30-day prior to the expiration of the Order, it is permissible to issue the extension now and back date it to the expiration date.

Motion made by Dennis Cote to extend the Order of Conditions for Palmer Motorsports park, DEP # 256-0269 for 3 years, until September 18, 2017

Motion seconded by Tharyn Nein-Large

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

7:12 PM Notice of Intent: Lot 2 Boston Rd – Renewable Generation, LLC; Solar Array

A Notice of Intent submitted by Sherman & Frydryk, LLC c/o of Renewable Generation, LLC for the installation of a large scale ground mounted solar array. The proposed solar array will require 50,570 SF of disturbance within the 100-foot wetland buffer zone. The location of the proposed project is Lot 2, Boston Road (Route 67) and is also known as: Map 3-6-1.

There is an active Enforcement Order on the property and DEP is withholding the file number until the outstanding violations are resolved. There was significant clearing of the land and an intermittent stream between 2009-2013.

Motion made by Dennis Cote to continue the Public Hearing until Tuesday March 17, 2015 at 7pm

Motion seconded by Tharyn Nein-Large

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

7:31 PM Enforcement Order: Lot 2 Boston Road (Route 67) – Breton Realty

Paul Les and Raymond Breton, of Breton Realty attended tonight's meeting with Donald Frydryk, of Sherman and Frydryk, LLC and Peter Levesque of Wetlands Consultants, Inc.

The violation occurs on a 12 acre parcel off Route 67 that was significantly cleared approximately 3 years ago. The site was delineated in early January 2015, and a preliminary Resource Area Restoration Plan was developed based on those delineations. Resource areas impacted include Bank and Land Under Water.

Currently there is a good gradient stream, with the upper and lower portions undisturbed. The undisturbed portions were used as a reference point for developing the restoration plan. There is also a 18" CMP on site that presently diverts the water from the stream that will be utilized during restoration then removed.

The restoration plan divides the stream channel into 4 sections, A-D and provides different restoration for each segment. Overall the restoration focuses on recreating the stream channel and replanting the cleared areas.

Tharyn Nein-Large inquired about using an erosion control blanket with saplings already in it for stabilization of the stream side slopes. Peter Levesque stated they had considered this but given the composition of the existing tree layer (Pine/Maple), using a blanket with willows and dogwoods would be introducing new species to the area not currently present.

Tharyn Nein-Large also recommended the restoration plan aim to make the area more natural and include leaving dead and downed trees on site and in the stream to provide habitat and cover for wildlife. The applicant may also have to get a permit from Army Corps for the damages to bank.

7:55 PM Notice of Intent DEP# 256-0308: 24 Third Street – Sherwood Lumber, Rail Siding

A Notice of Intent submitted by Greenman-Pedersen, Inc c/o Sherwood Lumber Corporation/ Prime Distribution Services for the proposed redevelopment of the Sherwood Lumber Facility located at 24 Third Street, Palmer MA. The proposed project of a railroad siding through several parcels owned by the company at the end of Third Street in order to accommodate the installing of a 2,700 foot long railroad siding connecting to and extending from the New England Central Railroad spur across the Third Street Right-of-way and into the Sherwood Lumber property to the South and all associated infrastructure. The project also calls for the installation of a 150' wide swath of pavement paralleling the railroad spur in the southern parcel of the site. The location of the proposed project 24 Third Street, Palmer, MA 01069, and is also known as: Map 28: Lot 28, 29, 31 & 34; Map 34: Lot 2.

Sherwood Lumber Corp. proposes to construct a railroad siding through several parcels owned by the company at the end of Third Street. The siding will begin at the existing New England Central Railroad Spur and extend across the Third Street cul-de-sac, and end at the southern side of the property for a distance of approximately 2,700 feet. There are several wetland resource areas located on the properties, including Bordering Vegetated Wetland, Bank and Riverfront. There is also a mapped FEMA flood plain associated with the Swift River. The applicant is proposing 1,406 square feet of permanent BVW alteration, 1,071 square feet of temporary BVW alteration with 1,758 square feet of replication and 14,641 cubic feet of flood storage lost with 15,945 cubic feet replaced. There are no proposed Riverfront impacts, as these parcels are considered densely developed and no impact are occurring within 25-feet of the Swift River. The project will also require additional review NHESP for its location within priority habitat and a MESA filing as well.

The applicant requested a continuance to address the issues the Agent found with the filing. Issued to be addressed include:

1. Revise WPA Form 3 – Notice of Intent: Section B(f) Riverfront Area to clearly identify the River as the Swift River and to mark the Riverfront Area is 25-feet for DDA
2. Bylaw Filing Fee: An additional \$391.75 is required.
3. Revised Wetlands Delineations: The wetlands are to be delineated in accordance with Mass DEP's *Delineating Bordering Vegetated Wetlands under the Massachusetts Wetlands Protection Act: A Handbook* (March 1995) and corresponding BVW data forms shall be submitted
4. A detailed description of construction methodology and sequence of work
5. A detailed description of replication methodology in accordance with the *Massachusetts Inland Wetland Replication Guidelines*; including a narrative, details on any proposed planting or seeding plans, detail on the soil profile to be created, a cross-sections of the proposed wetland subsurface, a schedule/sequence of work and an erosion and sedimentation control plan for the replication area.
6. Material identifying and explaining how the BLSF boundaries were determined.
7. Site plan revised to include Palmer's 50-foot no disturb zone in previously unaltered areas.

The Conservation Commission discussed hiring a third-party review consultant to the time of year restraints for confirming wetland delineations and the scope of the project in its entirety. The agent received proposals from Tighe & Bond, VHB and New England Environmental (NEE). The Agent recommended VHB as they are conducting the review for the Planning Board and the Commission concurred.

Motion made by Peter Izyk to hire VHB as third party consultant

Motion seconded by Dennis Cote

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

Motion made by Peter Izyk to continue the Public Hearing until March 3, 2015 at 7:00 pm

Motion seconded by Dennis Cote

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

8:04 PM Administrative Matters: Mileage Payable \$54.45

Motion made by Peter Izyk to approve the mileage payable to Angela Panaccione in the amount of \$54.45, for site visit conducted from January 2015-February 2015

Motion seconded by Dennis Cote

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

8:07 PM Administrative Matters: Minute Approval – January 20, 2015 & February 3, 2015

Motion made by Peter Izyk to accept the minutes from Tuesday, February 3, 2015 as corrected

Motion seconded by Dennis Cote

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

Motion made by Peter Izyk to accept the minutes from Tuesday, January 20, 2015

Motion seconded by Dennis Cote

No further discussion – vote taken: 3-0-1 (Tharyn Nein-Large abstains)

Next Meeting Date: Tuesday March 3, 2015 at 7pm

Meeting Adjourned: 8:23 PM

Motion made by Dennis Cote to adjourn at 8:23 pm

Motion seconded by Peter Izyk

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

Sincerely Submitted,
Angela C Panaccione, Conservation Agent