



TOWN OF PALMER CONSERVATION COMMISSION

Donald Blais, Chair
David Cotter, Vice Chair
Peter Izyk
Nicholas Zeo
Brenda Cole

Meeting Minutes

Tuesday, February 20th, 2018 – 6:30 PM

Angela Panaccione, Agent

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

Members Absent:

Also Present: Zach Farkas, Borrego Solar
Steve Long, Borrego Solar
Justin Gregoire, 263 Breckenridge Street
Martin Sininsky, 285 Breckenridge Street
Robin Sininsky, 285 Breckenridge Street
Larry Moulton, 281 Breckenridge Street
Teresa Moulton, 281 Breckenridge Street
Scott Rohan, 274 Breckenridge Street
Lucia Rohan, 274 Breckenridge Street
Zachary Calkins, 273 Breckenridge Street

1. **Call to Order:** 6:30 PM – Donald Blais, Jr (Chair)
2. **Chair, Member & Committee Reports:** None
3. **Review Phone/Mail/Email Messages:**
 - a. **Request for Comments Special Permit – Water Supply Protection District: 271 Breckenridge St (Map 19-60, 61 & 62):** The Agent drafted a letter to the Palmer Planning Board in regards to the proposed Solar Array at 271 Breckenridge Street.

One concern that did arise during the initial review was the lack of stormwater management, both during and post construction, on site. The Conservation Commission would like to know how the proposed project has been designed to capture and treat stormwater from the proposed project; provide groundwater recharge to the greatest extent practicable in conformance with the MassDEP groundwater recharge criteria, and what efforts are being made to control soil erosion and sedimentation, soil compaction during construction and minimize runoff from the post-developed conditions at the site.

The Commission would also recommend the applicant recalculate the stormwater model using the hydrologic cover type for pre-development peak discharge rates as “Woods Good” versus “Woods Fair”.

Also, since the stormwater discharges are within an Aquifer protection Zone, the Commission would recommend the use of specific source controls and pollution prevention measures specified for critical area discharges. The current Stormwater Management Plan as submitted for review does not identify the critical areas on or near the site.

- b. **Proposed Bridge Replacement US 20/Brimfield Road over Quaboag River – Early Environmental Coordination:** The Massachusetts Department of Transportation, Highway Division (MassDOT) proposes to replace the US 20/Brimfield Road Bridge over Quaboag River on the town line between Monson and Palmer. It is anticipated that this project will require approval by the United States Army Corps of Engineers (ACOE). MassDOT Highway Division requests that the Conservation Commission

provide any comments or concerns it may have regarding the environmental resources in the location of the proposed project. To facilitate your review, the project is described in detail below and a project location map is enclosed.

The bridge is located on the town line between Monson and Palmer, Massachusetts where Brimfield Road (US Route 20) crosses the Quaboag River. The superstructure is two (2) spans consisting of a reinforced concrete deck, with a bituminous concrete wearing surface, supported by rolled steel beams. The superstructure is supported by reinforced concrete gravity wall abutments and wingwalls, with a concrete center pier located in the river. The traveled way is two (2) lanes with non-standard steel bridge railings on top of a reinforced concrete safety curb on the south side of the bridge and a sidewalk on the north side. The approaches are protected by steel guardrail.

During recent inspections, the bridge was found to be in poor condition, with several deficiencies noted throughout the structure. The replacement is proposed to address these deficiencies, while preventing the structure from further deterioration. The proposed structure will consist of a 125-foot single span superstructure supported by integral abutments. The superstructure will be constructed with eight (8) 60-inch steel plate girders supporting a reinforced concrete deck with a bituminous wearing surface. The total out-to-out width of the superstructure will be 53' -9". The roadway cross-section will be a total of 40 feet wide consisting of two (2) 12-foot lanes and 8-foot shoulders with 5'-6" sidewalks and S3-TL4 bridge railings on both sides of the bridge. Wingwalls will extend approximately 20 feet to the west and 75 feet to the east from the ends of the bridge.

The location of the proposed bridge has been shifted to the west relative to the existing structure and the span has been increased to help return the Quaboag River to its natural course. Not only will this return the river to a more natural state but it will help to prevent scour to the western abutment, which has been an issue for the existing structure. The proposed location with additional modifications to the vertical alignment of the roadway will move the bridge out of the low point of the sag curve in the roadway. Catch basins are proposed at the low point located to the east of the bridge which will collect runoff that can be mitigated before the water runs into the river. This will reduce contaminants from entering the waterway as is the case with the bridge scupper drains on the existing superstructure.

WPA Permitting for the bridge replacement is not required under the 2014 Transportation Bond Bill, but permitting may be needed for the installation of new stormwater infrastructure, especially if there are new point source discharges within 100-feet of the surface water. The Agent will reach out to PARE Corporation, the consultants retained for this project, and request a site visit to review the proposed project plans.

4. **Public Inquiries:** None

5. **Approval of Minutes: February 6, 2018**

Motion made by David Cotter to table the minutes from February 6, 2018

Motion seconded by Peter Izyk

No further discussion – 5-0-0 – Motion Carries

6. **Approval of Payables:** None

7. **Signing of Documents (DOA, OOC, COC, Ext, Etc.):** None

8. **Schedule of Public Hearings:**

- a. 7:00PM Notice of Intent (NOI) DEP #256-0331: 271 Breckenridge Street (Map 19-60, 61 & 62) – Borrego Solar: The applicant has submitted a Notice of Intent for a 6.4 MW Solar Array where the work associated with the installation of it is subject to the WPA & PWO.

Donald Blais opened the public hearing on the NOI at 7:00pm. The project as currently proposed is located outside of all resource areas and does not propose any buffer zone disturbance, but due to the Commission's concerns with the accuracy of the wetlands delineation on site as well as the presence of potential vernal pools on site the applicant elected to withdraw their previous Request for Determination (RDA) filing and proceed with an NOI instead. The Commission will conduct a site inspection to verify the resource area delineations on March 2, 2018 and has continued the public hearing for the NOI until Tuesday March 6, 2018 at 7:00pm.

Steve Long, of Borrego Solar presented the project to the Commission. The project site is located in the town of Palmer on assessor's map 19, lots 60, 61, and 62. The parcel is 62.727 acres and is currently wooded. It is bordered by the Massachusetts Turnpike to the north, residences to the west, and wooded lots to the south. The proposed solar energy generating facility will cover approximately 28.7 acres and will produce up to 6.4 MW DC of electricity. A 14' wide gravel access road will be constructed from Breckenridge Road to the facility. The road will be constructed with 8" of clean washed stone. Turnarounds will be built to allow for the safe entry and egress of vehicles. The system will be unmanned, with maintenance vehicles accessing the site only 3-4 times per year. A security perimeter fence will surround all electrical equipment and solar arrays. A main 18' wide vehicle gate will be constructed, as well as several 4' wide man-gates. Solar modules will be mounted on a system of racking with augured screw type foundations.

The Commission discussed the filing of a RDA vs an NOI. The DEP file number letter had comments that said no NOI needed. Steve Long explained the project is not within the Commission's jurisdiction, therefore there are no alterations to BVW or IVW, and project is set at edge of the 100-foot buffer zone. He read Mark Stinson's letter, which stated: According to the information included in the Notice of Intent, all the work appears to be located outside of wetlands jurisdiction. An RDA would have been more appropriate for the filing. The applicant can choose to withdraw the NOI. An Order of Conditions cannot be issued by the Commission where there is no activity taking place within jurisdiction. In the alternative to withdrawing the NOI, if no work is taking place within jurisdiction, then the Commission should issue a Determination of Applicability, checking off the Negative 4 box, that the work described is not within a resource area or the buffer zone and does not require the filing of an NOI unless and until said work alters a resource area.

The Agent said confirming the delineation is accurate of the process going forward. If the delineation is not accurate or if the IVW is actually hydrologically connected to another BVW then the Commission will have jurisdiction on the project. The Commission also needs to establish if the vernal pool is certifiable. Her assumption was Borrego filed the NOI based on the premise that if the Commission determined at the April 7, 2018 RDA hearing that the delineation was incorrect and portions of the project were in areas of Jurisdiction than Borrego

Nick Zeo asked for clarification. He assumed the Commission was helping to expedite the process by accepting the NOI at Borrego's request. Zack Farkas said yes, that was what was discussed. We cannot do anything until a site visit is completed to verify the lines.

The Agent inquired about construction stormwater controls, as they narrative provided states they will be included by the locations are not presented in the erosion and sediment control site plan. Long replied temporary sediment basins will be constructed during Phase 1 and will be strategically located during construction. Long also stated a revised stormwater plan was submitted to the Planning Board and VHB will be conducting their review on it. The Agent requested copies of these documents be supplied to the Commission as well, since the approved plans and documents approved by each town department should be the same. Long argued the Commission has no jurisdiction and does not have a site plan review. The Agent stated any permit issued by the Commission has a section for approved plans and documents, and the revision dates need to be the same across town departments.

Again Long stated he is not asking for approval of the plans, he is asking for RDA or NOI. The Agent again stated the Commission does approve a site plan, when the Commission issues a determination or

an Order of Conditions it is based on the work shown on the APPROVED PLANS AND DOCUMENTS, so we are approving a plan stating that as it is depicted it will not affect resource areas.

The Agent had a final question on the stormwater report/stormwater model using the hydrologic cover type for pre-development peak discharge rates as “Woods Fair” instead of “Woods Good”. Long stated that he felt the conditions of the forest were only fair as there is no shrub layer present, but that John Furman would be reviewing that as well.

The project additionally requires a Special Permit from the Planning Board as it is within an Aquifer Protection Zone. The Agent will supply comments to the Planning Board as previously discussed in the meeting.

Chairman Blais open the hearing to public comments at 7:30pm

Robin Sininsky, of 285 Breckenridge Street asked what the rush for a permit? Farkas said the state set deadlines for funding. Sininsky followed up by asking why they need to cut down 63 acres of trees when there are so many other already cleared areas (landfill/rooftops) that could be developed as such. She believes it is a travesty to have to cut down so much forest for this project.

She also stated her concerns about the stormwater runoff coming down the hill, as her property at 285 Breckenridge Street already has a sever drainage issue and has required the installation of a French drain system to mitigate the flow. Long told her that was a planning board issue and not the Conservation Commission and invited her to attend the Planning Board meeting on Monday.

The Agent countered Long’s statement by requesting they present the grading plan to the public. She pointed out how the project proposed is currently draining toward to Pike and the Sininsky property and that without appropriate construction stormwater controls it could increase the amount of runoff. Long said the 100-foot setback to abutting properties would mitigate against construction impacts. Sininsky asked if the pike would be flooded and the Agent said MADOT has request a copy of the site plan but has not provided any comments to the Commission.

Sininsky asked how the project would impact the Reservoir? The Agent stated the current and proposed conditions of the site do not drain toward the reservoir and the Commission plans to send comments to the Planning Board about it.

Justin Gergoire, 263 Breckenridge Street asked if someone from the Commission would go out and verify the wetlands flags and make sure any issues are addressed. He said every time it rains there is a stream coming off that driveway from the supposed IVW, and inquired if that was a hydrologic connection. The Agent answered that they would have to go out a check to confirm. He stated that most of his property is wetlands and cannot be built on, so he wants to make sure the Commission can say in good faith the project is not within jurisdiction or require the applicant do the work appropriately to not impact wetlands.

Justin Gergoire restated his concerns about the stormwater runoff as he has walked the Peterson Road site and has seen the massive amount of erosion there. The Agent agreed with Gregorie and stated that Peterson Road did have a violation, as well as several other Solar sites in town. The Commissions main concern is the construction impacts of the projects, as they are often NOT phased out, but instead all phases are completed simultaneously (clearing, grubbing, grading and installation). If they project is determined to not be within the jurisdiction that Commission cannot do anything until the work impacts an area subject to jurisdiction.

A full Commission site visit is scheduled for March 2, 2018 at 1:00pm

Motion made by Nick Zeo to continue the Public Hearing until Tuesday March 6, 2018 at 7:00pm

Motion was seconded by Peter Izyk

No further discussion – 5-0-0 – Motion Carries

9. Certificates of Compliance (COC)

- a) DEP #256-0313 – Palmer Green: The Commission received a Request for a Certificate of Compliance from the LEC Environmental Inc, for the site improvements at Palmer Green, under the Order of Conditions for DEP # 256-0313. Numerous site visit occurred Tuesday December 5, 2017 with the

Conservation Agent and Andrea Kendall from LEC Environmental. The Commission determined that the work regulated by the Order of Conditions DEP #256-0313 was completed in compliance with the OOC and approved plans and documents.

The Agent did have concerns that the compost filter tubes (ESC) have yet to be removed and a policy of the Commissions is to not issue a COC until all the construction erosion and sedimentation controls are removed. She did recommend the Commission issue the COC, but hold the signed original until the final ESC line was removed, which should be tomorrow 2/21/2018.

Motion made by Brenda Cole to issue a complete Certificate of Compliance for DEP #256-0311 with ongoing conditions GC #19(a-1), Finding of Fact (F & H) & Special Condition 36, 37, 42, 45 & 46. Also permanately mark boundaries of CR and post "No Dumping" signs

Motion seconded by Nicholas Zeo

No further discussion – 5-0-0 – Motion Carries

10. Project Monitoring

11. Violations & Enforcement

- a) DEP #256-0312 - MassDOT Toll Booth Removal: In compliance with the Enforcement Order issued MA DOT has nominated AECOM as their environmental consultant and has additionally submitted an erosion control plan to be implemented immediately to prevent any further damages from occurring to the BVW and stream. Brenda Cole ask if the exposed area was ever seeded after construction. Both David Cotter & the Conservation Agent said yes it was hydro seeded, but it probably washed out during the fall as it was not properly covered with erosion control blankets or straw. The Agent stated there is lots of work required to stabilize erosion in area.

Motion made by David Cotter to accept AECOM as consultant

Motion was seconded by Peter Izyk

No further discussion – 5-0-0 – Motion Carries

- b) DEP #256-0327: Sherwood Lumber Replication: They will be at 3/6/2018 meeting.
- c) DEP #256-0309: Boston Road Solar: NextSun said they are not responsible for the maintenance of the site, and according to the Operations & Maintenance plan filed with the Commission it stated Paul Les, of Brenton Estates will be maintain the site. The Agent sent an email to Paul Les, requesting the repairs be completed as soon as possible. The Commission has not received a response back yet.

12. New/Old Business

- a) Administration of 2017 MA Trails Grant: The DPW plans to do the parking lot soon. The Agent will make Dave Cotter a notebook for him to track his volunteer hours. Sarah Brodeur will still be participating actively in the grant and will take the lead on coordinating Boy Scouts and other volunteers.
- b) 2018 Trail Grant & Land Grant for Acquisition of Turnpike Parcel – Authorize appraisals: The Agent submitted the grant application to DCR for the 2018 Recreational Trails Grant round. The grant will be paired with a LAND, which will not be announced until May. One requirement of the LAND grant is an official Town Council vote to appropriate the total cost of grant. The Agent will draft the wording for the Town Council resolution to appropriate said funds.
- c) Rt 67 Flooding: The Agent received a complaint about flooding on Route 67, by the intersection of RT-20 & RT-67. She conducted a site visit and sent her reports to MADOT. Robert Natario conducted a site visit to the Route 67 culvert location, and sent his finding to the Maintenance section. The culvert was flowing slowly but steadily and the water coming out at the downstream end was clear. He stated a telephone pole recently installed has loose soils near it, and a couple dozen recent branch and sapling cuttings had been thrown into the stream near the culvert. The area is covered with leaves, pine needles and the water flow had significant amounts of organic

debris from surrounding areas. A good amount of sediment has filled in the area just in front of the culvert and the sediment seemed somewhat recent and it moved easily as he walked in the pool near the culvert. He has asked the Maintenance section to stay in touch with the Commission so that an Emergency Certification could be submitted for the dredging of the area.

- d) Joint Committee Hearing w/ Belchertown on UBD Repairs: A joint Conservation Commission hearing is scheduled in Belchertown on Monday 2/26/18 at 7:45pm.
- e) 1237 Park: There is no update yet as to whether the snout & bioskirt has been installed. The Agent will email Mr. Shah and request an update for the 3/6/2018 Meeting. Additionally, the Agent and the Commissioners will conduct individual site visits before the next meeting.

13. Upcoming Events, Conferences & Trainings

- a) MACC Annual Conference Saturday 3/3/2018 at Holy Cross in Worcester
- b) MLTC Annual Conference Saturday 3/24/2018 at Worcester Technical High School
- c) Three Rivers TRACK Fair Saturday 5/5/2018 from 10am to 3pm – Tabling/Enviroscape Demo

14. **Office Closed**: Wednesday 2/28/18 & Monday 3/5/2018

15. **Set Next Meeting Date**: Tuesday March 6, 2018 @ 6:30pm

16. **Meeting adjourned**: 8:10 PM

Motion made by Nicholas Zeo to adjourn at 8:10 PM

Motion was seconded by Brenda Cole

No further discussion – 5-0-0 – Motion Carries

Sincerely Submitted,

Angela Panaccione
Palmer Conservation Commission Agent



TOWN OF PALMER CONSERVATION COMMISSION

Donald Blais, Chair
David Cotter, Vice Chair
Peter Izyk
Nicholas Zeo
Brenda Cole

LOCATION: Town Administrative Building Meeting Room
4417 Main Street, Palmer MA 01069

Angela Panaccione, Agent

Meeting Documents

Tuesday, February 20th, 2018 – 6:30 PM

The following is a list of documents used at the above meeting, in addition to those included in the agenda packet which is part of the official record of the meeting:

#	Description	Agenda Item	Retained
3(a)	Request for Comments Special Permit – Water Supply Protection District: 271 Breckenridge St (Map 19-60, 61 & 62)	Review Phone/Mail/Email Messages	DEP #256-0330 File Folder
3(b)	Proposed Bridge Replacement US 20/Brimfield Road over Quaboag River – Early Environmental Coordination	Review Phone/Mail/Email Messages	FY 18 Minutes Binder
8(a)	WPA Form 3: Notice of Intent – Proposed Solar Array 271 Breckenridge Street; prepared by Borrego Solar Systems Inc; dated 12/8/2017	Schedule of Public Hearings	DEP #256-0330 File Folder
8(a)	Notice of Intent Narrative – Proposed Solar Array 271 Breckenridge Street; prepared by Borrego Solar Systems Inc; dated 12/8/2017	Schedule of Public Hearings	DEP #256-0330 File Folder
8(a)	Wetlands Delineation Report 271 Breckenridge Street, Palmer, MA, prepared by SWAC Environmental Consultants, Inc., dated 10/5/2017	Schedule of Public Hearings	DEP #256-0330 File Folder
8(a)	Wetland Determination Data Forms and Site Photographs, prepared by SWAC Environmental Consultants, Inc., dated 7/26/2017	Schedule of Public Hearings	DEP #256-0330 File Folder
8(a)	Site Plan Review 271 Breckenridge Street Project Number: 905-0811 (Sheets 1-5); prepared by Borrego Solar Systems Inc.; dated 12/8/2017	Schedule of Public Hearings	DEP #256-0330 File Folder
8(a)	Stormwater Management Report 271 Breckenridge Street; prepared by Borrego Solar Systems Inc; dated 12/8/2017	Schedule of Public Hearings	DEP #256-0330 File Folder
9(a)	Form 8A: Request for a Certificate of Compliance DEP #256-0313: Palmer Green	Certificates of Compliance	DEP #256-0313 File Folder
9(a)	Form 8B: Certificate of Compliance DEP #256-0313: Palmer Green	Certificates of Compliance	DEP #256-0313 File Folder
11(a)	Notice of retained environmental consultant: ACEOM Consultants, Inc.; dated 2/13/2018	Violations & Enforcement	DEP #256-0312 File Folder
11(a)	Erosion Control sketch I 90 Ramp; dated 2/18/2018	Violations & Enforcement	DEP #256-0312 File Folder

11(a)	MassDOT Progress Report to Date 2/20/2018 – I-90 Toll Booth Removal; Dated 2/20/2018	Violations & Enforcement	DEP #256-0312 File Folder
12(a)	2017 MA Trails Grant Agreement Contract Forms	New/Old Business	2017 MA Trails Grant File
12(b)	2018 MA Trails Grant Application – Acquisition of MA DOT Turnpike Parcel (Map 15-14)	New/Old Business	2018 MA Trails Grant File