



TOWN OF PALMER CONSERVATION COMMISSION

Palmer Town Building
4417 Main Street
Palmer, Massachusetts 01069

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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 FEBRUARY 3, 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: Marcus Nutter, 385 Rondeau Road
Debbie Sourdif, 385 Rondeau Road
Sheryl Jyringi, 70 West Ware Road
Brett Trowbridge, Oxbow Associates
Donald Frydryk, Sherman & Frydryk, LLC.
Douglas Farmer, Turley Publications
Fred Ferguson (Palmer Motorsports Park) 58 West Ware Road
Paul Les, Breton Realty
Raymond Breton, Breton Realty

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

7:00 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 a septic facility to service the Palmer Motorsports Park racetrack and associated amenities. The facility 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 a leach field 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 has revised the septic RDA plan (revised 1/19/2015) based on DEP and NHESP comments on the initially proposed septic plan. The revised system has been reconfigured and the overall project extents have been substantially reduced. Changes from the initial plan (dated 12/9/2014) include:

- Use of color to clearly identify all project components.
- Inclusion of construction sequence (see sheet 6)
- Inclusion of the existing tree line to clearly identify the cutting area.
- Significant reduction of tree cutting. With the exception of the System A treatment area, which requires some tree cutting (see next bullet), all work is within currently disturbed/developed areas.
- Tree clearing and grading for System A has been reduced significantly via the use of an impervious barrier and 1:1 armored slopes. The use of a concrete retaining wall was also investigated but abandoned because the wall footprint needed to contain System A would be greater than the footprint of the proposed armored slope.
- The grading around System A has been designed to allow amphibian migration between the system and the race track (i.e., no barrier corner formed by of track and the system).
- Abandonment of System B, formerly sited adjacent to Wetland J.
- The formerly proposed septic force main to the North Paddock area has been eliminated. Club house waste, formerly proposed for treatment within System B, will be treated within System A. North Paddock area waste will be treated within the North Paddock area, to northwest of Wetland A.

By virtue of compliance with Title 5 regulations (i.e., applicable system components greater than 50 feet from the BVW, etc.), the operation of the proposed septic treatment system will not alter wetland resource areas. Therefore the operation of the system meets the presumption set forth within 310 CMR 10.03(3) for discharge from a sewage disposal system.

Furthermore, the proposed construction of the system also meets the performance standards for issuance of a negative determination in that:

- Vegetation removal within 100 buffer zone has been reduced to the greatest extents practicable.
- The limit of work for System A is 63 feet from the edge of wetland.
- The area between System A and the wetland includes no less than 63 horizontal feet of forest.
- All septic system components are located greater than 100 feet from certified vernal pools.
- Erosion control will be installed between the limit of work and the wetlands.

Therefore, based on the significant project reductions and in consideration of the compliance standards that have been met in the above list, Oxbow Associates, Inc. believes that the currently proposed septic design is the least environmentally damaging practicable alternative.

The Agent recommended continuing the hearing until BOH approval is received on the system.

Robert Ring inquired if a third party review was still needed for the proposed sewage disposal system given DEP's review and comments on the application. The Commission concurred no third party review would be needed.

Motion made by Dennis Cote to continue the Public Hearing until Tuesday February 17, 2015 at 7:00 pm
Motion seconded by Peter Izyk
No further discussion – vote taken: 4-0-0 – Motion Carries

7:15 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.

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 majority of this project has already been completed. The only work left to occur is the work 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."

In essence, this is an after the fact filing. A condition will be incorporate to ensure no future work on the well access road is completed until the DEP issues approval for said work.

DEP will also need to issue final approval of the public water supply well.

Motion made by Peter Izyk to close the Public Hearing
Motion seconded by Dennis Cote
No further discussion – vote taken: 4-0-0 – Motion Carries

Motion made by Peter Izyk to issue a Negative Determination finding the work is within the buffer zone but will not alter an area subject to protection under the WPA, subject to conditions
Motion seconded by Dennis Cote
No further discussion – vote taken: 4-0-0 – Motion Carries

7:02 PM Notice of Intent: Palmer Motorsports Park; West Ware Road – North Paddock Access

DEP file # 256-0307 has been assigned to this Notice of Intent

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.

The purpose of the proposed paved roadway is to provide 2-way vehicle access and pedestrian access to the “North Paddock”, an area designated for the future development of ancillary race track facilities located in the northwestern corner of the Palmer Motorsports Site. The North Paddock area has yet to be fully designed, however, it is anticipated that components will primarily be located within upland areas, beyond the jurisdictional 100-foot wetland buffer zone. The proposed roadway alignment has been sited within previously disturbed areas (racetrack clearing limits and a woods road) as much as possible.

The proposed North Paddock roadway construction, the limits of which are clearly labeled on the revised site plan (revised February 2, 2015, 6 sheets), originates at the track access road near the future site of the track registration buildings. The North Paddock access road continues to the northwest, crossing over the track access tunnel and paralleling Wetland C, before turning to the northeast near the future club house building. The proposed access road continues along the race track, past Wetland J (CVP 4970) before turning north between Wetlands J and A toward an existing wood road. The proposed access road continues along the existing wood road route to a proposed open grate bridge that spans the narrowest point of an intermittent stream associated with Wetland A, before entering the North Paddock area.

Much of the proposed roadway construction is within 100 foot buffer zone, the extents of which are clearly identified on the revised site plan. The proposed roadway construction entails tree cutting and grading within 100 foot buffer zone and cutting of seven trees (3 birch and 4 oaks) within Wetland A at the stream crossing. The stream crossing will be an open grate bridge, 26-feet wide, spanning 49-feet, with abutments located outside of the wetland. The bridge exceeds the requirements for optimal stream crossing standards under the WPA.

Portions of the proposed roadway construction are located beyond jurisdictional 100 foot buffer zone.

All previously proposed co-located sanitary system infrastructure (force main and leach field) under a Request for Determination have been abandoned.

The new roadway design utilizes environmentally sensitive site design, including canting of the roadway away from wetlands, appropriate use of pervious pavement, partitioned groundwater subdrains, and a wall impoundment at Wetland C, the proposed roadway maintains at least 2 feet of separation between groundwater and stormwater runoff and all point source discharges within 100 foot buffer zone have been eliminated (see revised site plan dated 2/2/15).

The project is no longer subject to stormwater management performance standards specified at 310 CMR 10.05(6)(k)-(q).

Sheet 6 of 6 clearly details the construction sequence.

A condition will be included to clearly delineate the limit of work on the ground so contractors can clearly see the limit and adhere to it.

The Agent recommended continuing the hearing so the Commission and herself to fully review the revised site plans and the attachment to the NOI (as they were just received in the office this am).

Peter Izyk questioned the temporary sheeting on the bridge. Donald Frydryk stated it is being used to ensure no sediment enters the BVW and stream channel during bridge installation.

Tharyn Nein-Large requested the specs for the pervious pavement to be used and asked about a maintenance plan for it. He also inquired how the soils under the pervious pavement would be prepared for it. Donald Frydryk said a stone reservoir will be under the pavement and he would get the spec for it by the next meeting.

Motion made by Dennis Cote to continue the Public Hearing until Tuesday February 17, 2015 at 7:00 pm

Motion seconded by Tharyn Nein-Large

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

7:50 PM Enforcement Order: Lot 2 Boston Road (Route 67) – Breton Realty

On January 20, 2015 Conservation Commission Chair Robert Ring was informed of a violation of the Wetlands Protection Act and the Town of Palmer's Wetlands Protection Ordinance by property owner Paul Les. Ring conducted a site investigation on Wednesday January 21, 2015 and observed the following:

1. A significant amount of clearing occurred within resource areas and the 100-foot Buffer zone
2. An unnamed Intermittent 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.
3. An unnamed Intermittent Stream and its Bank had been disturbed through the placement of fill (rip rap) and the stream itself had been diverted through pipeing.
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.

The Agent issued an Enforcement Order, dated January 29, 2015 and requested the violator attend tonight's meeting and nominate to the Commission a qualified wetlands consultant (having at least 5 years' experience in wetlands delineation and restoration) no later than February 3, 2015. Such consultant shall be dependent upon approval by the Commission.

Paul Les and Raymond Breton, of Breton Realty attended tonight's meeting with Donald Frydryk, of Sherman and Frydryk, LLC. They nominated Peter Levesque of Wetlands Consultants, Inc (formerly Pioneer Environmental, Inc.) as consultant.

Motion made by Peter Izyk to ratify the Enforcement Order, issued January 29, 2015

Motion seconded by Dennis Cote

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

Motion made by Peter Izyk to accept Peter Levesque of Wetlands Consultants, Inc. as the wetlands consultant responsible for site restoration

Motion seconded by Dennis Cote

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

The area has already been delineated and flagged. Currently BVW is present, although not altered by the site clearing & tree removal. Approximately 1200-linear feet of bank have been altered through the placement of fill and no flow is currently present in the channel as a result of the stream diversion through piping. Over 300-square feet of land under water has also been altered through the placement of rip rap. Additional segments of LUW have also been disturbed through the sporadic placement of rip rap as well. Also, approximately 110,000-square feet of Buffer zone and Palmer’s 50-foot No Disturb Zone have been disturbed through direct vegetation cutting and removal;

A draft wetland Resource Area Restoration Plan (RARP) will be prepared and submitted to the Commission at the next meeting, scheduled for February 17, 2015.

A Solar Array is proposed for this site and the Commission has received the NOI for development. Mass DEP will withhold the file number until the EO is resolved.

8:05 PM Administrative Matters: MACC Payable \$107.50

Motion made by Dennis Cote to approve the payable to the Massachusetts Association of Conservation Commissions (MACC) in the amount of \$107.50, for the eight (8) copies of the revised October 2014 Wetlands Protection Act Regulations

Motion seconded by Peter Izyk

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

8:07 PM Emergency Permit: Joseph Duda, 3205 Main Street Bondsville – Beaver Dam

The Agent met with Joseph Duda, of 3205 Main Street about a beaver dam. The Agent explained that if the dam is removed, it should be done in a controlled manner so that there are no downstream impacts and the dams should be breached in the morning to allow water to flow all day. Additionally, only the minimum necessary work to abate the immediate public health threat is permitted. All work will be performed using either a tractor or truck mounted excavators to remove debris from the beaver dam.

The Agent also recommended waiting till summer for removal given the time of year. Currently there is too much snow cover to properly determine where the dam is and to ensure only the dam is removed and not bank or BVW the Agent suggested waiting. Also, given the time of year a drawdown of the ponding could detrimentally affect wintering populations of invertebras along the pond edge.

8:10 PM New NOI: Sherwood Lumber, 24 Third Street

The Commission received a new NOI for development off Third Street. 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 Conservation Commission also discussed a third-party review due to the time of year restraints for confirming wetland delineations and the scope of the project in its entirety. The agent will send requests for proposals to Tighe & Bond, VHB and New England Environmental (NEE). The Agent also stated she would like to get the same reviewer as planning for the stormwater, which is VHB. The Commission will continue this discussion at the February 3, 2015 meeting.

An Environmental Notification Form (ENF) was submitted to the state under the Massachusetts Environmental Policy Act (MEPA). A MEPA site visit is scheduled for 9am on Wednesday February 4, 2015. The Agent will attend. The agent will also submit comments on the ENF, due February 10, 2015. Comments will address the Town's Wetlands Protection Ordinance, open space concerns, environmentally preferred alternatives and issues with the way the BVW was delineated.

Next Meeting Date: Tuesday February 17, 2015 at 7pm @ Palmer Police Station Conference Room

Meeting Adjourned: 8:20 PM

Sincerely Submitted,
Angela C Panaccione, Conservation Agent