



TOWN OF PALMER CONSERVATION COMMISSION

Meeting Minutes

Tuesday, February 6th, 2018 – 6:30 PM

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

Angela Panaccione, Agent

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

Also Present: Robert Natario, MA DEP
Paul McManus, EcoTec
Iftikhar Shah, 1239 Park St

1. **Call to Order:** 6:30 PM – Donald Blais, Jr (Chair)

2. **Chair, Member & Committee Reports:**

a) **Town Manager's Records Request:** The Town Manager Charlie Blanchard previously request of the Commission all correspondences regarding Boston Road and Peterson Road Solar Projects and 1 Aspen Circle. Now he is requesting we provide the same information for Palmer Motor Sports, Sherwood Lumber, the Mass Pike Toll Booth Replacement and the Seasonal Cottages at Forest Lake – although this time the information only going back from the present to July 1, 2016 (FY17 and YTD FY18) will be sufficient. He would also like all the communications sent and received on the following Septic System Review work:

- 95 Rondeau Street
- 19 West Ware Road
- 115 Laurel Road
- 676 Old Warren Road

The Commission discussed the request. Chairman Blais met with Mr. Blanchard last week and the Town Manager said it was concerning the budget. The Agent will compile the information request when she has sufficient time. Currently she is busy with administrative matters and several violations.

3. **Public Inquiries:** None

4. **Approval of Minutes: January 23rd, 2018**

Motion made by Brenda Cole to approve the minutes from January 23rd, 2018

Motion seconded by David Cotter

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

5. **Approval of Payables:**

a) **CCPCR Local Solutions Conference**

Motion made by David Cotter to approve payable to Antioch University New England in the amount of \$295.00, for Angela Panaccione to attend the CCPCR Conference to be held on April 30, 2018-May 2, 2018 in Manchester, NH

Motion seconded by Peter Izyk

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

b) **Mileage Payable**

Motion made by Nicholas Zeo to approve mileage reimbursement payable to Angela Panaccione, in the amount of \$218.00, for January 2018

Motion seconded by David Cotter

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

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

7. Schedule of Public Hearings: None Scheduled

8. Certificates of Compliance (COC)

- a) DEP #256-0269 - Palmer Motorsports Park: The Commission tabled the discussion until the next meeting scheduled for Tuesday February 20, 2018
- b) DEP #256-0313 – Palmer Green: The Commission tabled the discussion until the next meeting, scheduled for Tuesday February 20, 2018

9. Project Monitoring

10. Violations & Enforcement

- a) DEP #256-0312 - MassDOT Toll Booth Removal: Robert Natario attended tonight's meeting to discuss the violation with the commission. The Agent met Natario on site this afternoon to view the area. No work was supposed to occur until a restoration plan was received and approved by the Commission. Opposed to restoration work, Northern Tree cut down all the vegetation on the slope, exasperating the erosion problems on site. The Conservation Agent has conducted several site visits of the area, and has noted the scope of the violation increasing significantly since October.

On October 19, 2017 the PCC received a complaint of "the pike ramp washing out into the wetlands". At that point the Agent contacted DOT and inspected the area with DOT staff on October 25 & 27, 2017. It was document the slope on the on ramp was not properly stabilized and was washing out into the BVW downhill. Rip rap was installed as a temporary measure, as well as an additional line of compost filter tubes along the fence line and re-inspected on October 30, 2017. MA DOT was to submit a restoration plan to the Commission with more permanent slope stabilization measures as well as a plan to removed accumulated sediments from the BVW.

It was also document the recently graded areas along the exit ramp, to the south, adjacent to the ramp and the Shell station had also significantly eroded due to the storm drains still being blocked from the recent construction. This area was re-graded and the storm drains were open up to direct the stormwater appropriately. Additional inspections were conducted on December 6, 11 & January 16 and DOT was contacted in regards to the area still not being stabilized, the conditions on site worsening and no restoration occurring yet.

On February 5, 2018 an inspection by the Agent was request by Diane Lizak who owns the Shearer street property that abuts the I-90 ramp in Palmer. They are attempting to develop the property and had a wetland specialist go delineate it. The consultant informed them the BVW on their property is filled with tons of sediment from the slope washout on the on ramp. The Agent conducted an inspection that day and documented the area is still eroding a lot and has now blocked the 36" culvert that connects the northern BVW by on ramp to the stream to the south, by the exit ramp; which is also owned by the Lizaks. She also documented recent tree cutting on the slope, which has removed all the existing vegetation from the area, which was serving to stabilize what areas of the slope that were no covered in rip-rap.

Peter Izyk gave the history on the Lizak parcel off Shearer Street with flooding. The Commission issued three (3) separate Enforcement Orders for violations there. Between 2004-2006, John Lizak cleared all

the land without the proper permits. He was required to retain an environmental consultant, develop a restoration plan and monitor the site. The restoration plan was developed and some trees were replanted but they did not survive and were never replanted. The area has now been overgrown with invasive species.

Natario can't say for certain where erosion coming from, but agrees slope needs to be stabilized. He will explore the cross culvert to see if its part stormwater management systems for the I-90 exit, or a stream crossing/hydrologic connection of the wetlands and the streams.

Motion made by Nicholas Zeo to issue the Enforcement Order to MassDOT as discussed

Motion seconded by David Cotter

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

- b) DEP #256-0327: Sherwood Lumber Replication: The Agent conducted a site inspection on 1/16/2018 & again on 1/23/2018. She noted several severe violations of the replication area and the BVW, which she supplied photos of to the Commission. On January 23, 2018 the Conservation Agent discovered erosion and sediment controls were not being maintained in the area surrounding the wetlands replication. Excessive amounts of sediment have entered both the wetland and the replication area (see photos attached). It does not appear the contractor has been removing sediment deposits as necessary to maintain the filters in working condition. Additionally it does not appear the contractors are maintaining the erosion controls in a functional condition at all times, including inspections after each rainfall and at least daily during prolonged rainfall. As required under the order of Conditions, the contractor must immediately correct all deficiencies including replacing compost filter tubes as needed. Additionally, monthly reports of the replication area are required during the first growing season, and the Commission has not received any yet and the replication was completed in early September 2017. Additionally, the wetlands specialist is supposed to also be reviewing erosion controls (within the replication areas only), and monitor construction impacts to adjacent areas and regulated wetland resources.

Upon discovery of the violation the Agent immediately requested all SWPP reports & replication monitor reports from the Environmental Consultant, of which none have been received yet. She also required the immediate installation of straw bales along the top of the slope by the replication areas, as well as the installation of an erosion control blanket down the slope to the BVW and replication area. She gave the contractors 24 hours to complete the required mitigation measures and will conduct an additional site visit before the next meeting. She will also request the property owner and contractor attend the 2/6/2018 meeting. The Agent will also send out an official Notice of violation, and copy MA DEP as well.

The Agent conducted follow up site inspections on 1/26/18, 1/27/18 & 1/29/18. The immediate issue with the restoration area has been addressed. Issues pertaining to the Compensatory Flood Storage Area still need to be address, as this area was also not constructed according to the approved plans. GPI agrees this area needs to be re-done and have been working with the site contractor since the deviations from the approved plans was documented in December.

- c) DEP #256-0309: Boston Road Solar: As part of the post-construction monitoring requirement of the Federal MS4 Permit the Agent conducted a routine site inspection at 8 Boston Road on January 16, 2018, under the OOC DEP #256-0309. She supplied her inspection report as well as site photos to the Commission. The Agent cited new violations on site from failure of the applicant/property owner to comply with the Operation & Maintenance plan on file with the Town as well as failure to maintain the detention ponds. There is excess sediment within basin and the corresponding drainage swales that run parallel to the PV array are also filled with sediments. Vegetation still does not appear to be growing on site and it has been well over a year since construction ceased and the PV array was complete. The Agent required the following actions within 14 days: remove excess sedimentation from within the basin. The basin shall be excavated to the original design as drawn on the approved plans. Also have a Professional Engineer (PE) shall verify in writing that the basin is currently functioning or restored in

accordance with the original design intent. Additionally, they are required to remove sediment and debris from drainage swales as well.

The Commission has not received a response back yet.

Motion made by Brenda Cole to begin \$300/day Thursday 2/8/2017.

Motion seconded by Nicholas Zeo

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

- d) 1237 Park Street - Stormwater Violation: Mr. Shah attended tonight's meeting to discuss progress on site. Mr. Shah ordered the snout and it's at the property. He has showed it to a few contractors to install it, they will do it weather permitting. He needs to order a skirt for the oils and he has purchased it and it will arrive soon. Also retain contractor to connect catch basin to drywell, but the snout must be installed first with the skirt. Instruction in snout box, very easy just a few bolts. Mr. Shah will email Agent at regular intervals to update on installation process. The Agent will conduct the final inspection.

12. New/Old Business

- a) Park Street Drainage: The Commission discussed the Journal article about Park Street flooding with MA DOT. Business owners on Park Street are frustrated with the town, state & railroad and attribute the increase in flooding from Breckenridge Street to Pinney Street on improper maintenance, stating it is a continual problem. An Emergency Permit was issued to MA DOT last meeting to clean the stream channel & blocked culvert by PTS. Natario stated over the past 5 years the culvert at the end of Breckenridge has been cleaned out twice, with the last two cleanings occurring in 2013 & 2017. Natario stated there is tremendous amounts sediment from all directions filling the pipe. Large grain size sand are coming down hill and the stream channels in the high density residential area are also clogged with sediment and yard waste, which is restricting and redirecting the flow of Graves Brook. The Agent inquired if that section of Park Street was subject to MADT's MS4 permit and if stormwater & drainage improvements could be made in the area under the new permit requirements. She noted that in Eastern MA (even as far as Sturbridge) MA DOT is actively working to install infiltration basins, drainage swales and catch basins (Like on the Pike, 495 & even I-84). She asked if there was a way to make Park Street a priority for future MS4 improvement projects and offered to be of assistance if needed. The Agent also stated she could look into pursuing grant funds to study the area's drainage issue better with the assistance of DOT & Palmer DPW.
- b) Forest Lake Seasonal Cottages: Paul McManus of EcoTec attended tonight's meeting of the Commission to bring the new members up to speed with regard to site conditions, wetland resources, and overall project that will be proposed and ultimately filed as a NOI. Site plans are currently being developed now, including the proposed layout, stormwater management systems, and utilities. McManus showed the Commission USGS Topo Map, Aerial photos of site w/ parcel boundaries as well as the approved existing conditions plan approved in the ANRAD process. McManus also discussed resource areas on site, as well as consultation w/ NHESP to delineate the brindle shiner habitat on site. NHESP has mandated the applicant to treat stormwater for a critical area and infiltrate all stormwater on site. David Cotter ask how priority habitat effects debris removal under water such as the old diving platform and other structures sticking out of the water. McManus stated that needs to be worked out with NHESP but most likely hand removal of debris and swim it to shore for disposal. Brenda Cole ask about the entire project scope and David Cotter followed with a concern about the construction scheduling. McManus said the Commission will receive a whole comprehensive filing, and no phased plans will be submitted. A big issue with site is drainage and managing the stormwater as the site is completely flat. No draft plan out yet, not sure timing on filing but assume a few months. The Agent ask about MEPA requirements as well, and if the project triggered the review. McManus stated the project as proposed does exceed the land disturbance threshold, but does not currently require two separate state permits as of yet.
- c) Administration of 2017 MA Trails Grant: All of the required contract documents have been signed and submitted to DCR, now the Commission is just waiting for the official letter from DCR stating we may begin the work. One the final signed contract is executed the Commission will have two (2) years from date signed to complete the First Street Trail Project. The Agent met with Joey DPW to go over parking lot; will start as soon as contract finalized. She also meet with Sarah Brodeur, who offered to still be major part of project and will serve as volunteer coordinator to ensure hours and work is tracked appropriately. Also had to reapply to SCA even though

they committed to project last year. Did get the ok back and they will be sending out the contract soon.

- d) 604(b) Grant Application - Lake Thompson: The Agent attended the 604(b) grant workshop on Wednesday January 24, 2018 in Worcester with representatives of the LTCA. Currently the proposed project is not feasible due to Lake Thompson not having public access. If the LTCA allowed public access to the Lake, either for swimming or fishing than we could move forward with the grant.

If the town does not apply for the 604(b) grant for Lake Thompson maybe we should change the focus to study Graves Brook watershed, from the Reservoir to the Quaboag River. This may allow us to target and identify the excessive amount of sediments entering the system and develop LID/Green Infrastructure stormwater bmps to address the sediment issues.

- e) 2018 Trail Grant & Land Grant for Acquisition of Turnpike Parcel – Authorize appraisals: The Agent is applying for recreational trails grant again this year, to purchase the MA Turnpike parcel (Map 15-14). The 92 acre parcel has been targeted for acquisition by the Commission since 1980. When joined with the land already controlled by the PCC a large parcel over two- mile long from north to south, and approximately a half-mile wide along most of this length will be created. Additionally it would open up and develop approximately 5 additional miles of trails and provide full day hikes and many good views of the surrounding landscape, particularly towards the southeast from the high point of the Turnpike property. The King’s Brook, which runs along the west side of this parcel, contains Native Brook Trout and has been identified as a potential aquifer. In addition to human use, this area is home to a variety of wildlife, including hawks, beaver, moose and black bear. Have letter of support MassDOT, Ann Gobi & Tod Smola. Anne also said she will set up a meeting in Boston w/ DOT to discuss this and still see if we cannot get it for free and use land preservation funds to purchase other abutting parcels that are privately owned and could be developed.

Dave Cotter stated there is currently heavy truck use/dirt bike use in the area and by encouraging more people hiking (on foot) will in turn result in less people using the area illegally on motorized vehicles. The Agent also stated she would include in the narrative the Commissions desire to direct the trails away from sensitive resource areas and keep the public in the uplands, away from Kings Brook.

- f) Joint Committee Hearing w/ Belchertown on UBD Repairs: It has been request we conduct a joint hearing with Belchertown on the NOI filed for UBD repairs. The hearing will be held in Belchertown on Monday 2/26/18 at 7:45pm. Currently Chairman Donald Blais, Commissioners Nick Zeo & Brenda Cole, as well as the Agent will attend. Seeing as that will constitute a quorum of the Commission, the Agent will post the hearing publicly and have the Belchertown Land Trust re-notify the abutters as well as run a new legal advertisement in the Journal.

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: Thursday February 8, 2018

15. Set Next Meeting Date: Tuesday February 20, 2018 @ 6:30pm

16. Meeting adjourned: 9:30 PM

Motion made by Nicholas Zeo to adjourn at 9:30 PM

Motion was seconded by

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 6th 2018 – 7:00 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
2(a)	1/17/2018 Email from Charlie Blanchard requesting Information on Projects	Chair, Member & Committee Reports	FY19 Budget Request Folder
5	Meeting Minutes: 1/23/2018	Approval of Minutes	FY 18 Minutes Binder
6(a)	Invoice 2018 Local Solutions: Eastern Climate Preparedness Conference – Angela Panaccione	Approval of Payables	FY 18 Payables Folder
6(b)	Invoice Angela Panaccione – Mileage January 2018	Approval of Payables	FY 18 Payables Folder
8(a)	Form 8A: Request for a Certificate of Compliance DEP #256-0269: Palmer Motorsports Park – 58 West Ware Rd	Certificates of Compliance	Palmer Motorsports Park File Box DEP #256-0269
8(b)	Form 8A: Request for a Certificate of Compliance DEP #256-0313: Palmer Green	Certificates of Compliance	DEP #256-0313 File Folder
10(a)	Site Inspection Reports DEP #256-0312: MassDOT Toll Booth Removal	Violations & Enforcement	DEP #256-0312 File Folder
10(a)	Enforcement Order DEP #256-0312: MassDOT Toll Booth Removal; Dated February 6, 2018	Violations & Enforcement	DEP #256-0312 File Folder
10(a)	Attachment to Enforcement Order DEP #256-0312: MassDOT Toll Booth Removal; Dated February 6, 2018	Violations & Enforcement	DEP #256-0312 File Folder
10(b)	Site Inspection Reports DEP #256-0327: Sherwood Lumber	Violations & Enforcement	DEP #256-0327 File Folder
10(b)	Site Photos 1/16/2018 DEP #256-0327: Sherwood Lumber	Violations & Enforcement	DEP #256-0327 File Folder
10(b)	Site Photos 1/23/2018 DEP #256-0327: Sherwood Lumber	Violations & Enforcement	DEP #256-0327 File Folder
10(c)	Site Inspection Report & Infiltration Basin Report DEP #256-0309: Boston Road Solar	Violations & Enforcement	DEP #256-0309 File Folder
10(c)	Site Photos 1/16/2018 DEP #256-0309: Boston Road Solar	Violations & Enforcement	DEP #256-0309 File Folder
12(b)	Wetlands Resource Area Plan of 0 River Street & 11-1 Forest Lake Road; Project No. 2008-023; Plan No. L-5221	New/Old Business	Seasonal Cottages RDA Folder

	(Sheets 1-6). Prepared by Andrews Survey & Engineering Inc., Signed & Stamped by John R. Andrews III, dated 8/8/2017; Revised 9/19/2017		
12(c)	2017 MA Trails Grant Agreement Contract Forms	New/Old Business	2017 MA Trails Grant File
12(d)	2018 604(b) Grant Application – Watershed Based Planning for Lake Thompson, Palmer MA	New/Old Business	2018 604(b) Grant File
12(d)	Notice of Pre-RFR Meetings for FY 18 604b Water Quality Management Planning Grant	New/Old Business	2018 604(b) Grant File
12(e)	2018 MA Trails Grant Application – Acquisition of MA DOT Turnpike Parcel (Map 15-14)	New/Old Business	2018 MA Trails Grant File