

Minutes
of the
Palmer Conservation Commission
March 20, 2012

Present: Robert Ring, Donald Duffy, Peter Izyk, Matt Trybus, Dennis Cote
Absent: Christine Beauregard

7:00 The Conservation Commission started the meeting by regretfully accepting the resignation of Commissioner Christine Beauregard, the Vice Chair of the commission. Christine had concerns about being unable to attend some meetings, so to avoid any problems with the commission being able to make a quorum at meetings, Christine submitted her resignation. As a valuable and dedicated member of the commission, Christine's absence will be felt.

Letter to Tighe & Bond stating the sewer separation project is exempt from filing under the Palmer Wetland Bylaw as it is a municipal project.

David Swirk, 3018 Thorndike Street, DEP file #256-262 has been issued an extension to his Order of Conditions.

John Larose, lot 88 Stimpson Street. To correct a clerical error, an Order of Conditions was signed for this SFH and driveway. Glenn Colburn reports that during a recent site visit to view conditions that a vernal pool was identified to the north of the driveway, and will be certified by the Commission as part of the conditions to develop this lot. Also, it was noted that trees had been cut to prepare the lot for house construction. Some of this clearing was done within 50' of the resource area on the lot. As a special condition, the commission will require a 50' buffer zone between the house and wetlands. This line shall be clearly marked in the field before the start of construction. Erosion controls shall also be properly maintained until the project is complete.

Funding for the new Conservation Agent was discussed. Until the new fiscal year starts, the agent will be paid with funds from the Wetlands Administration Fund. Don made a motion to that effect, and Peter seconded. Voted unanimous.

Inspection report for 244 Burlingame Rd. Glenn Colburn made a site visit after a conversation with owner Raymond Croteau about flooding from road drainage coming onto his property from Laurel Road. Colburn walked the property to view the drainage in question and determined that in spite of drainage from Laurel Drive, the wetland in question was so large, that the drainage would have little effect on water levels. Colburn discussed the high water table and the wetland plants that clearly identified the area as a bordering vegetated wetland. The request by Mr. Croteau to cut down some of the toppled trees was denied, as these trees posed no danger, and act as important wildlife habitat. Upon returning to the back yard of the house, a collection of old lawn mowers

and other items was determined to be in the BVW. Mr. Croteau was asked to remove these items to a more suitable storage area by May 28th, Memorial Day weekend.

19 New Hampshire Ave, DEP file #256-235, Certificate of Compliance. Owner Marc Cardaropoli and wife appeared before the commission to discuss work that was found to be beyond the specified work limit lines in the Order of Conditions. On March 19th, Bob and Glenn viewed the site and determined lawn had been established on both sides of the driveway in areas outside the work limit line. A shed has been constructed north of the house, about 75' from the edge of the work limit line, and 35-40' from the edge of the brook. No permanent buffer zone markers were found during the inspection.

Mr. Cardaropoli denied knowing about the work limits shown on the plan and that the Order of Conditions was not revealed to him in the title search when he bought the property. He stated when he started working on landscaping his property he removed two dumpsters full of trash, car parts, and tires. The area to the north of the driveway had supposedly been used as a dump area for street sweepings by the highway department. That area had also been used as a log landing in the past and Mr. Cardaropoli stated the area was a mess. Mr. Cardaropoli felt he didn't hurt the area, but instead cleaned up and improved the land. He did admit to landscaping the area and establishing lawn, but denies any work was done in the brook.

Bob said it was unfortunate the title search did not reveal to Mr. Cardaropoli the restrictions in work area in relation to the wetlands on his property. Regardless, the Order of Conditions was clear on where the resource areas were and the limits of work around the new house.

Mrs. Cardaropoli reiterated that they had cleaned out a lot of trash and improved the area. Twice the commission inspected the site and no mention was made about work limit lines. (Research reveals the site visits were done to inspect failed erosion controls during initial construction.) She felt the commission should have caught their error earlier and informed them sooner of non-compliance with the plans.

Bob inquired about permanent markers for the buffer zone. Mr. Cardaropoli said they were never found.

Matt questioned if a permit was drawn for the shed. No permit was taken out for construction, missing an opportunity to stop work in the buffer zone.

Bob requested more members of the commission visit the site to view conditions so we may make an informed decision as to what restoration must take place to come into compliance.

Continued to April 3rd for additional information from homeowner and to allow for the commission to view the site.

54 French Drive, Lake Thompson, Zachary Cooper. An Enforcement Order has been issued for continued work in the buffer zone and the lake at 54 French Drive. Bob and Glenn were on site with Mr. Cooper's father to investigate a report of an excavator in the buffer zone and tree cutting at the water's edge. Bob signed the Enforcement Order during the site visit. The members of commission agreed with Bob's decision and signed the Enforcement Order. Mr. Cooper did not appear before the Commission tonight. The EO required that he submit a restoration plan for cutting he has done. The Conservation

Commission discussed this and the previous violations at this site, and due to the fact that no contact was made by Mr. Cooper in response to the order for a restoration plan, the commission voted to issue a \$100 fine under the Wetland Bylaw. Further more, the commission may decide to issue a daily fine if we do not get an adequate response from Mr. Cooper. Don made the motion, Matt seconded. Motion passed. Dennis Cote abstained as he is a lake resident.

8:05 Matt made a motion to adjourn, Don seconded, all approved.

Respectfully submitted,
Glenn Colburn