

**Minutes**  
of the  
**Palmer Conservation Commission**  
**June 5, 2012**

Present: Robert Ring, Donald Duffy, Matthew Trybus, Glenn Colburn

7:00 Meeting called to order. Darrin Booke, 10 Berkshire Street, RDA for addition to his existing home. Mr. Booke failed to check a category under section B on the RDA and corrected that at the meeting by checking c, "work". There is an intermittent stream to the back of the property. All work will be in existing yard and within the 100' buffer zone. Erosion controls will be placed before construction and inspected by the commission. All work will take place uphill of the low terrace wall. Excess fill will be evenly spread to the west of the driveway as directed by the commission. Trybus moved and Duffy seconded a Negative Determination #3 for work in the buffer zone. All approved.

7:05 Marc Cardaropoli, 19 New Hampshire Ave, presented a plan showing locations for permanent markers. The commission agreed to the locations shown. Mr. Cardaropoli will install the markers and the commission will inspect.

7:10 Eleanor Szlachetka, 128 Boston Road, expressed her concerns about a logging operation in January 2010 that was conducted around her water source. The Szlachetka's are concerned about damage to the watershed and gaining access to the well area for maintenance purposes. During a walk to view the area, Mr. Szlachetka and Colburn noted a medium sized tree down across the access road that was not a result of logging. Some trees have been dropped into the wetland between the two reservoirs. It is not known how deep the water line between the two water sources is buried, and it could possibly be damaged if logs are dragged over it. After discussing the issue of forest cutting practices and wetlands, the commission told Mrs. Szlachetka that the ultimate responsibility for oversight of logging operations is with the state forester. The commission will write a letter to the forester voicing our concerns for protection of the water source. A copy will be sent to Mr. Breton, owner of the land the behind the Szlachetka's.

7:35 CKS Auto Sales, Wilbraham Street has an Enforcement Order issued for working in resource areas to the west and south of the parking area. Earth has been graded after tree removal along the Quaboag River. The commission has directed Kevin Kolakowski stabilize the disturbed area with a conservation seed mix, and to cease and desist additional activity in the area. Tara Martel came before the commission to represent Mr. Kolakowski. The commission asked Ms. Martel to get a letter authorizing her to represent Mr. Kolakowski in this matter. Ms. Martel told the commission that in the 2 ½ years she has worked at CKS there has been no fill dumped in the BLSF. During that time the owner has removed multiple tires and other debris from the floodplain around the shop. This area has a lot of debris from past practice of dumping and filling to create

a dry lot. During a site visit, Ring and Colburn noted various debris at the base of slope in the back of the garage. There is also a car lift outside the rear of the building that has some petroleum fluids on the ground that is a concern for polluting the area is not properly cleaned up. Ring felt this lift could stay if properly maintained. To the west of the building is an area that looked freshly graded, with no vegetation growing on it. CKS had previously been told to seed and mulch the area to the west, and this area is nicely stabilized at this time. Ms. Martel stated that there is a lot of trash coming off Rt 20 and washing into the newly restored area. She, and others have been actively trying to keep the area clean. The commission is concerned that there may have been a loss of flood storage from filling and grading. Members would like to see an RDA for restoration and what, if any, fill must be removed from the BLSF. Duffy made a motion, and Trybus seconded to sign the Enforcement Order as issued. The commission will visit the site for inspection and investigate the amount of fill.

7:55 Anne Capra, PVPC before the commission to discuss the shared agent program and how it may be of benefit to Palmer. Don mentioned the subject of trails on our conservation land and having them included in PVPC's inventory of local hiking trails. Ms. Capra said this plan could help the commission with land conservation and stewardship. A grant was secured from the state to fund the pilot program. The shared agent would also be utilized by some local land trusts. The program is set up for all participating members to pay an annual fee, and from that fee will be given a certain number of hours of assistance. Additional hours would be charged an hourly rate to be set annually, based on grants secured to offset costs. The commission is interested in the service, but is not sure if we would be able to secure the annual \$1,500 fee. If we sign on, we will be committed through FY 2014, but could drop out at any time after that. The MOU would be signed by the select board. Ms. Capra showed the commission some of the projects the land trusts were interested in working on, including inventorying lands and trail development, research for funding to repair bridges and walkways. The Conservation Commission would like to move forward with this as we may be able to benefit by the program. There would be no fee for FY 2013 starting in July. Topic was tabled to be further discussed at the next meeting. A combined meeting with Planning and town manager might be beneficial.

8:20 Camp Ramah, plan change from storm gutters to a drip edge with stone trenches for infiltration. Duffy made a motion that since there is little change to the drainage characteristics, we acknowledge the letter that the change is not significant enough to require a new filing with the commission. Trybus seconded, all in favor.

8:22 Meadowbrook Green, letter of notice that pond will be treated by Lycott. A second letter requested an automatic extension of Order of Conditions for 2 years as allowed for under special regulations.

8:23 Lake Thompson Lake Association, MOU for tree and limb damage cleanup. Minor changes to letter, including expiration date of April 1, 2013. Members discussed tagging trees to prevent excessive cutting.

8:24 Accept minutes with minor corrections.

8:28 Donald Wood, 3190 Foster Street, NOI for construction of shed and garage in the buffer zone. The commission has not received a number from DEP, so a motion was made to continue the hearing for 2 weeks until we receive a file number and any comments.

8:29 Discussion of site visits at 103 Water Street for work being done by Blake Lamothe to construct a fence in the RFA, BLSF, and the 100' buffer zone. Attending for Lamothe is Atty Michael Hassett and Norman Lamothe. Ring stated that at Blake Lamothe's request, he viewed the site with Lamothe. At that site visit, Ring told Lamothe to cease and desist any further work, and to file with the commission for any work in the area in question. Shortly after the visit, the commission was informed by DEP that a concerned citizen had call to say Blake continued to do work after Ring had left. Colburn was sent to issue an Enforcement Order, and again, Lamothe continued to work in the resource areas. After 6 weeks, we still have not reached any agreement with Lamothe to cease and desist and to file with the commission for the work. The Conservation Commission is inclined to ask DEP to step in. Mr. Hassett said he did not think Lamothe had been working in the last few days. Hassett did research he shared with the commission, attempting to show the fence as an exempt activity. Ring stated we are claiming jurisdiction over the area and he must file. Blake Lamothe joined the meeting at 8:40. Hassett continued with his presentation of material attempting to show exemption for Lamothe's actions. Hassett claims the fence is temporary in nature and therefore exempt. Hassett continued saying the amount of time that has elapsed has been because there has been interference from the neighbors, and that Blake is putting together a plan for his business. Hassett said Lamothe should have 60 days to come forward with a plan to the commission. Lamothe said he bought the property, it's his property, not the town or commission's. Lamothe said he has not broken any rules and that there are paths all over the property. He does not feel he has altered anything. He said the pipeline people come in and clean the right-of-way all the time. Lamothe said he thought this was all farmland at one time and admitted there is not much you can do in the area other than farm it. Lamothe said the area is zoned industrial, and felt as such, he had the right to fence his property regardless of the wetland regulations. The commission asked what would happen if we gave an additional 60 days to present a plan. Lamothe said he will do some vista pruning like he already tried to perform in the area, to open up the landscape. Ring reiterated the area is BLSF. Lamothe asked why the neighbor can mow his grass next to a resource area. Commission answered it is existing yard and routine maintenance is exempt from filing. Lamothe can not expand the grassed area. Lamothe said he will mow the grassed area that belongs to him, and he may put in a picnic table, fire pit, and canoe for the river. Lamothe stated the fence is not an alteration. How can he protect himself from his neighbors without a fence. The commission feels there are other alternatives. Lamothe said he is not taking the fence down. Ring asked for a motion as to whether the area is jurisdictional. Duffy made a motion to find the area jurisdictional, Trybus seconded, voted unanimous. Ring felt strongly that the commission has spent a lot of time on this matter, a relatively small matter, and should be

handed over to DEP. Conservation Commission will contact DEP. Lamothe said he will also contact DEP.

9:22 Donald Wood appeared before the commission for 3190 Foster Street, construction of shed and garage. Original location of shed was 15' from intermittent brook. Wood will move shed to 50' from stream. Yard has been recently graded with drainage installed to catch groundwater. New location will be staked out for inspection. Drainage swale to south of house does not show any wetland vegetation and is well over 50' to garage location. Waiting for file number from DEP. Continued to June 19.

9:35 54 French Drive, Zachary Cooper has retained Hartley Landscaping to design a restoration plan in response to the Enforcement Order issued for work at the shoreline. Plan will be at the meeting of June 19.

Commission discussed the up coming meeting for July 3<sup>rd</sup>. Commissioners will consider skipping that meeting date because of the July 4<sup>th</sup> holiday.

Mattress on Bacon Road. Colburn will ask Highway Department to help in removal.

9:37 Motion to adjourn.

Respectfully submitted,  
Glenn Colburn