

**Minutes**  
of the  
**Palmer Conservation Commission**  
**August 14, 2012**

Present: Robert Ring, Donald Duffy, Peter Izyk, Matt Trybus, Glenn Colburn  
Absent: Dennis Cote

7:00 RDA for Ted Cembura. Mr. Cembura is requesting permission to cut a medium sized cherry tree located in the buffer zone of Lake Thompson. The tree is being overcrowded by tall pine trees on either side of it. Colburn states that the tree is close to the shoreline, but removal will not change any shading provided by the tree canopy. The tree is outside the fenced yard. The stump may be ground down, or left in place, as it is not visible from the yard. Colburn suggested a negative determination for work in the buffer zone. Izyk made the motion, Duffy seconded, all in favor.

7:05 Zachary Cooper, 54 French Drive. Colburn gave an inspection report on the work William Cooper has done. Three site visits were needed before the silt fence was installed as specified in the restoration plan. There have been a number of heavy rains since the fence was installed. The fence held during the first storm, but has failed during all subsequent storms. Silt has entered the lake. No measurement was taken but it appears to be at least 3' deep in spots. At the last inspection, W. Cooper was told to cease work until erosion controls were repaired. Z. Cooper was to have ground the stumps close to the surface as part of the restoration effort. Colburn could see no evidence of stumps remaining, and Cooper could not produce an invoice for the work. Cooper claims a friend did the work and he had paid in cash. Colburn returned in the afternoon to inspect fence repairs, and at that time W. Cooper showed an invoice for \$140 to remove 2 stumps. The invoice was from Paul's Tree Service in Ludlow. Cooper was to make a copy for the commission. That copy was never delivered. Calls to phone numbers for Paul's Tree found full voicemail boxes or no answer for the two numbers given. At that time Colburn told Cooper to install two more lines of erosion control to handle water coming down from either side of the house. The south side of the house has been graded and seeded on the southern property line. An access road along the house has not been seeded and shows signs of erosion. Two stockpiles of dirt on the north side of the house should have a silt barrier down gradient to catch silt off the piles and water coming down the north side of the house.

Colburn reports the project has changed from a simple restoration plan to a total regrading of the back yard and expansion of the small retaining wall to a two tier, 35' long structure.

Evelyn Sullivan, neighbor to the north attended the meeting and states she has seen a dump truck loaded with stumps leave the property, and has not seen any equipment on site for stump removal. She has concerns for stormwater being directed onto her property.

Ring wants to conduct a site visit and suggested we ask for a NOI. He is concerned about the amount of grading being done and no NOI to examine effects on the lake.

Duffy suggested the commission should ask for proof of grinding the stumps. Dig down deep enough to see the stumps have been ground. Without proof, we should ask for a stoppage of all work. A NOI should be filed. A fine may be considered for not following the restoration plan.

Ring is concerned about the number of site inspections needed to check the silt fence, and suggested we charge for site inspections after the second inspection.

Ring called for a site visit to view current conditions. Ring and Colburn will go Wednesday evening.

7:30 Colburn reported on a site visit with Heather Comee from Pioneer Environmental to view the wetland delineation for the new proposed access for the Palmer Motor Sports project. The wetland line was well defined as the land rose from broad, flat BVW to ledgey hillside. The delineation has not been submitted to the commission for approval at this time. The Order of Conditions for this project was due to expire in September, but a new Act by the Mass. Legislature automatically extended all permits to 4 years from the original expiration date. No action needed by either party.

7:35 CKS Auto, 46 Wilbraham Street was inspected by Colburn for restoration work. During the inspection Colburn asked that six cars be removed from the flood plain, and that this area is not to be used for auto storage or display. It appeared that CKS has been mowing and trimming the restoration area. The grass has been cut short, and jewell weed has been visibly trimmed. Colburn offered a letter to be sent to CKS stating no cutting of grass is allowed in the restoration area. A small area along the tree belt of Wilbraham Street may be maintained to give the business a neat and orderly appearance. Absolutely no cars in the flood plain. Izyk make a motion to issue the letter, Trybus seconded, motion passed, Duffy abstained.

7:39 Blake Lamothe, 103 Water Street. Letters from DEP and Lamothe's attorney M. Hassett were read by commissioners. Commissioners were surprised by Hassett's response to DEP's findings. DEP clearly stated that the area in question is jurisdictional, and the fence must be altered to meet the performance standards. Hassett's reply was that his client will make no changes to the fence. Ring suggested we issue a fine of \$300 for failure to meet deadlines in the Enforcement Order. Duffy voiced reservations that the fine would be issued under the Bylaw, but DEP fines would be issued under WPA. DEP fines would be more substantial, and we could expect more support from DEP should this enter the courts. Ring regrets that it has reached this point over a simple matter of filing for a fence. Ring suggests we seek recovery of costs for inspections and enforcement actions. Trybus suggest we may offer to drop fine if cooperation is forthcoming and the fence is either removed or a NOI is submitted. Duffy said give him a new date for removal of the fence. Letter should refer to DEP's letter, and give a period of time to work out the problem. Should Lamothe fail to meet the new deadlines ring suggest a fine of \$300 per day. Colburn will draft a letter for review by commissioners. Ring wants a plan prepared by a wetlands specialist, approved by the commission. Duffy stated if the

fence is removed, no plan will be needed. Lamothe has three options: removal of fence, file a restoration plan, or file a NOI. Duffy made a motion to issue the letter, Ring seconded, all in favor.

8:04 Minutes passed over, to be approved at next meeting.

Mail: MassBroadband has received their Determination Letter to Rienhart Associates, no wetlands on new police station land  
Planning Board meeting for Palmer Solar to access land via North St.  
Palmer Motorsports asked for an extension to their Order of Conditions.  
Knox Pond report on erosion control ponds and structures.  
Photos from F. Ferguson (Palmer Motor Sports) showing stream in a dry state.  
Meadowbrook Green Condos will be treating their ponds for weeds.  
Right of first refusal for land being taken out of chapter for Palmer Solar sale.  
Two vernal pools have been certified. Pools are south of Bacon Street.  
A. Fontaine has received his Determination for construction of garage.

Discussion of next meeting date. Next date for a regularly scheduled meeting will be September 4<sup>th</sup>, the day after Labor Day. Some members and the agent will not be able to attend on that date. Ring is concerned about progress with the Lamothe case and suggested we hold a meeting August 28<sup>th</sup>.

Founders Day celebration to be held August 25<sup>th</sup>. Ring and Duffy will man a table for the Historical commission.

Trybus suggested we consider dividing projects into small workable sections in cases where the homeowner is doing the work himself. In referring to the Cooper project, perhaps dividing into smaller project rather than regrade the entire yard at once. This might be done to make the project more manageable.

8:22 Motion to adjourn by Ring, second by Trybus, all in favor.

Respectfully submitted,  
Glenn Colburn, agent