

Minutes
of the
Palmer Conservation Commission
August 28, 2012

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

7:00pm Zachary Cooper appeared before the Conservation Commission to discuss recent failures of his silt fencing at 54 French Drive. Colburn and Ring had inspected the site on August 15th and viewed a delta of silt that had been deposited in the lake when the silt fencing failed. The plume of silt appeared to be approximately fifteen feet by ten feet. The fence had failed in at least two locations. Colburn said the project was getting out of control, and the fence has failed numerous times over the last few weeks. Additional fencing was requested by Colburn to be placed around the stockpiled soils on the north side of the house, and Mr. Cooper was to build erosion control barriers at the top of the slope in the back yard, and at the base of the slope at the south side of the house. The fencing around the soil pile was not done, and the erosion control barriers that were to be built of the small washed stone were not constructed adequately enough to be of help in controlling water coming down around the house. The Commission discussed the need to have the silt removed from the lake.

Ring brought up the topic of stump grinding of the cut trees on the lot. The original plan for restoration prepared by Dan Hartley had called for the stumps of all cut trees to be ground down to just below ground level. Ring and Colburn could not find evidence of grinding. Neighbors had informed Colburn that they had seen William Cooper drive away with a dump truck full of roots and stumps. Since the Commission could not verify this, Colburn had asked for a receipt for the grinding service. Mr. Cooper brought a copy of the receipt to the meeting and it showed that only two of the eight stumps had been ground down for a price of \$140. The other stumps had been pulled in violation of the restoration plan. The Commission discussed issuing a fine of \$300 per tree for those that were pulled rather than ground.

After a continued discussion of conditions at the site and Cooper's failure to follow the restoration plan, the Conservation Commission decided it would be best to cease and desist all work at the site, to focus on stabilizing the exposed soils with seed. Cooper was instructed that he shall immediately move the excavator and small blue tractor out of the back yard and parked at least 100' from the shoreline. Cooper was also told that under no circumstances shall the equipment be operated in the 100' buffer zone without written permission of the Conservation Commission. Cooper is to hire a wetlands consultant to prepare and present to the Commission a plan to remove the silt and stabilize the slopes to prevent further erosion. This plan shall not address any other issue other than removal of silt and stabilization of the yard. Construction of retaining

walls and grading of the back yard meant to direct water will only be considered under a Notice of Intent and will not be part of the restoration process.

The discussion again turned to the subject of issuing a fine. Ring cited the numerous inspections by Colburn and himself, and the amount of time devoted to this violation. The Commission decided a one-time fine of \$300 for failure to follow the retroaction plan would be appropriate.

Ring called for a motion to be made. Cote made the motion that Cooper shall cease and desist work. By September 7th Cooper shall seed and mulch hay all exposed soils, repair silt fence and install additional fencing where instructed. Cooper is to call Colburn for an inspection at that time. Cooper shall submit to the Commission no later than September 11th, the names of wetland specialists to be hired to prepare a restoration plan for stabilization of the lot. The Conservation Commission will approve a specialist that has the proper qualifications to the satisfaction of the Commission. The specialist will submit a NOI for removal of silt from the lake. A one-time fine of \$300 will be assessed for failure to adhere to the restoration plan. Duffy seconded the motion, all in favor.

David Barton has asked that the Conservation Commission issue a formal letter stating that the Conservation Commission will not exercise its right of first refusal for land on North and Norbell Streets. Mr. Barton is taking the land out of Chapter 61A and sell the parcel to Palmer Solar. The Commission had previously discussed this land and will not exercise its right. Colburn will write a letter to the Town Administrator.

Colburn gave a report on CKS Auto on Wilbraham Street. The restoration area has been left undisturbed and is regenerating nicely. It was suggested that the Commission monitor the site and check for woody shrub and tree growth in the spring. Planting may be necessary if no wood regeneration occurs.

The Commission discussed the ongoing enforcement action at 103 Water Street, Blake Lamothe. There has been no contact from Lamothe or attorney Hassett since Hassett sent his reply to McCollum at DEP. Complaints have continued to come in about twice a week for work being conducted on the fence and other actions on the Lamothe property. Town Counsel has been contacted and a meeting has been requested to discuss the issue and the Enforcement Order issued in May. With the involvement of Town Counsel, the subject of recovering legal costs was discussed. This violation has involved time and site visits made by both Ring and Colburn. The Commission discussed the possibility of gaining the cooperation of Lamothe. With the lack of outreach from Lamothe to resolve the fence violation, the members of the Commission discussed the option of fines for failure to meet deadlines in the Enforcement Order. No action taken at this time to allow for input from our attorney.

Duffy made a motion to accept the minutes for the July 17, 2012 meeting. Cote seconded, all in favor.

Duffy made a motion to accept the minutes for the August 14, 2012 meeting with corrections. Ring seconded, all in favor.

Members Reports:

A report was given on Palmer's Nostalgia Day event. Some members of the Commission were in attendance and reported a smaller turnout at this years event.

Cote made a motion to adjourn, Izyk seconded, all in favor.

Respectfully submitted,
Glenn Colburn