



TOWN OF PALMER CONSERVATION COMMISSION

Meeting Minutes

Tuesday, March 20th, 2018 – 6:30 PM

LOCATION: Town Administrative Building Meeting Room

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
Angela Panaccione, Conservation Agents

Also Present: Steve Long, Borrego Solar
William Fay, Belchertown Land Trust
Shawn Clark, Belchertown Land Trust
Michael Horrigan, Belchertown Land Trust
Daniel Beaudette, Attorney representing Belchertown Land Trust

1. **Call to Order:** 6:32 PM – Donald Blais, Jr (Chair)
2. **Chair, Member & Committee Reports:** None
 - a. **Town Manager's Budget Letter:** The Town Manager Charlie Blanchard emailed Chairman Blais about the budget. Donald Blais will try to schedule a meeting with Charlie before he leaves on April 6th. Charlie sent new email on February 20th requesting additional information. From his response a year ago, additional info does not provided cause Agent worked 40hrs per week and can't meet deadlines and keep up with minutes so doesn't have time for MS4. The Agent stated she has only missed one grant deadline, habitat management grant. She got the Trail Grant & MS4 grant, and has also applied for an additional Trail grant this year and is in the process of applying for 604(b), culvert assessment grant & LAND grant. Also, she has been prioritizing typing the meeting minutes and currently works on MS4 weekly as part of her job now.
3. **Review Phone/Mail/Email Messages:**
 - a. **Forest Cutting Plan – Foster Street:** The Commission received a proposed Forest Cutting Plan from Hull forest Products for a 43 acre parcel off Foster Street. The property owner is Jean Bubon, and it is stated they intend to enroll in the Chapter 61A program and are preparing a Forest Stewardship plan currently. The harvest will be a selective cut, with no discrimination on the quantity or quality of the trees harvested. Additionally the FCP proposes a new bridged stream crossing and approximately 3 acres of wetlands harvesting to be completed when the ground is either dry or frozen. The FCP also calls for a 100-foot wetlands crossing that will be temporary in nature and will be used when the ground is either dry or frozen.
 - b. **I-90 Bridge No. P-01-046 (Quaboag River); Executed Administrative Consent Order with Penalty (ACOP):** MADEP has issued an ACOP to Northern Construction, LLC for Violation of the Massachusetts Clean Waters Act - GL c. 21, §§ 26 through 53 and Violation of the Massachusetts Wetlands Protection Act - GL c. 131, § 40. Northern Construction was hired by MADOT in 2017 to conduct concrete chip repair work on Bridge No. P-01-046 of the Massachusetts Turnpike. All work was to be conducted using equipment staged from the deck (i.e., highway surface) of the bridge. Contract No. 93965 included no provisions for "earthwork" or work in the river or its associated resource areas or buffer zones. Northern made a request to MassDOT for earthwork approval and the construction of an

access road along the embankment adjacent to the Massachusetts Turnpike in order to more effectively gain construction access to the underside of the bridge for repair work on the bridge's abutments and piers. MassDOT denied Northern's request for earthwork, citing the proposed access road would occur within the 200-Foot Riverfront Area of the Quaboag River regulated under 310 CMR 10.00, Priority Habitat of Rare Species regulated under the Massachusetts Endangered Species Act Regulations (321 CMR 10.00) and potentially within Waters of the United States within the Commonwealth (WUSWC), requiring a Water Quality Certificate from MassDEP under 314 CMR 9.00. On or around July 25, 2017, Robert Natario of MassDOT's Area II Highway Division discovered that Northern had constructed the access road at the site, and immediately contacted MassDEP's Western Regional Office (WERO) Wetlands & Waterways Program (WWP) to notify them of the violation.

4. **Public Inquiries:** None

5. **Approval of Minutes:**

a. February 20, 2018

Motion made by Brenda Cole to approve the minutes from February 20, 2018

Motion seconded by Nicholas Zeo

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

b. February 26, 2018

Motion made by Nicholas Zeo to approve the minutes from February 26, 2018

Motion seconded by Peter Izyk

No further discussion – 3-0-2 (David Cotter & Brenda Cole Abstain) – Motion Carries

c. March 6, 2018

Motion made by Nicholas Zeo to table the minutes from March 6, 2018

Motion seconded by David Cotter

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

6. **Approval of Payables:**

a) Mileage Payable – Donald Blais

Motion made by Brenda Cole to approve mileage reimbursement payable to Donald Blais, in the amount of \$40.44, for travel to the MACC Conference on March 3, 2018

Motion seconded by David Cotter

No further discussion – 4-0-1 (Donald Blais abstains) – Motion Carries

b) Mileage Payable – Angela Panaccione

Motion made by Nicholas Zeo to approve mileage reimbursement payable to Angela Panaccione, in the amount of \$167.32, for February 2018

Motion seconded by David Cotter

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

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

8. **Schedule of Public Hearings:**

a. Notice of Intent (NOI) DEP #256-0324: Upper Bondsville Dam Repairs (Map 19-60, 61 & 62) – Belchertown Land Trust (BLT): The Applicant has submitted a Notice of Intent for Dam safety repairs to the Upper Bondsville Dam per the order of DCR Office of Dam Safety.

Chairman Donald Blais, Jr called the public hearing on the NOI to order at 7:00pm.

Mr. Fay, president of the Belchertown Land Trust (BLT), and an engineer, was present for the meeting as well as Daniel Beaudette, Attorney to BLT. He also noted there were members of the BLT present in the audience. Mr. Fay presented new and historical information about the dam regarding its repair and increasing the spillway capacity and that the dam is under both the Palmer and Belchertown jurisdictions. A Chapter 91 license is required as part of the process and Orders of Conditions are required by MADEP prior to the issuance of the license.

The Conservation Agent conducted a site visit yesterday w/ the Belchertown Conservation Commission. Mr. Fay informed the Commission the BLT desires to move the required canoe/kayak portage to the Belchertown side. Concerns include: length of the portage trail, no trespassing of Palmer site, Palmer police keeping people out. Problem with portage is people will see people using it from road and will come down and fish and swim. Also safety requires a fence at least 4' high for safety which would be very expensive and outside the current projected budget for the project. The portage plan for the Belchertown side include a ramp on embankment before the dam and a trail down the rip rap on downstream slope of abutment trail. DEP is ok with the change as long as there is not an increase in resource area alterations, i.e. keep within current approved limits of work.

The Agent recommended closing the Public Hearing, and issuing the OOC at next hearing after coordination with Belchertown Conservation Commission. Both Commissions want to issue the same OOC for project so there are no conflicting conditions.

Chairman Blais stated he was disappointed the canoe/kayak portage would no longer be on the Palmer side. He felt the portage on the Palmer side would garner more attention to rivers in town and help with local revitalization efforts. Bill Fay stated the decision was made because the Palmer side is an "attractive nuisance". The attractive nuisance doctrine applies to the law of torts in the United States. It states that a landowner may be held liable for injuries to children trespassing on land if the injury is caused by an object on the land that is likely to attract children.

Motion made by Nick Zeo to close the Public Hearing

Motion was seconded by Peter Izyk

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

- b. ANRAD DEP #256-0329: Cunningham & Associates, LLC – 358 Shearer Street (Map 13-68) AKA Icehouse: The applicant has submitted an Abbreviated Notice of Resource Area Delineation to confirm the precise boundaries of jurisdictional resource areas, which have been delineated at 358 Shearer Street. No work is proposed as part of this application.

Chairman Donald Blais, Jr, called the public hearing on the ANRAD to order at 7:10pm. No public or abutters were present.

Peragallo presented the delineation plan entitled Wetland Flag Locations, 358 Shearer Street, Palmer, MA, prepared by Graves Engineering, Inc., dated November 16, 2017 was submitted and depicts the Site and the location of the Wetland Resource Area boundaries.

Site visit scheduled for Friday April 13, 2017 at 10am

Motion made by Brenda Cole to continue the Public Hearing until Tuesday April 17, 2018 at 7:00pm

Motion was seconded by Nicholas Zeo

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

- c. Notice of Intent (NOI) DEP #256-0331: 271 Breckenridge Street (Map 19-60, 61 & 62) – Borrego Solar: The applicant has submitted a Notice of Intent for a 6.4 MW Solar Array where the work associated with the installation of it is subject to the WPA & PWO.

Chairman Donald Blais, Jr called the public hearing on the NOI to order at 7:15pm.

The project as currently proposed is located outside of all resource areas and does not propose any buffer zone disturbance, but due to the Commission's concerns with the accuracy of the wetlands delineation on site as well as the presence of potential vernal pools on site the applicant elected to withdraw their previous Request for Determination (RDA) filing and proceed with an NOI instead.

Steve Long, of Borrego Solar was present and presented the revised project to the Commission. The amount of tree clearing has been reduced by approximately nine (9) acres.

A full Commission site visit is scheduled for Friday April 13, 2018 at 12:00pm

Motion made by David Cotter to continue the Public Hearing until Tuesday April 17, 2018 at 7:00pm

Motion was seconded by Nicholas Zeo

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

- d. Violation Administrative Hearing – L 21 Aspen Circle (Map 10-20); Road Construction: Administrative hearing to discuss the violations that have occurred at L21 Aspen Circle. Violations include, but are not limited to failure to obtain a permit prior to conducting an activity subject to regulation under the MA Wetlands Protection Act & the Town of Palmers Wetlands Ordinance & Regulations.

No one was present and no update. The Agent will try to schedule a site visit for Friday April 27, 2018 in the afternoon.

Motion made by Brenda Cole to continue the Administrative Hearing until Tuesday May 1, 2018 at 7:00pm

Motion was seconded by David Cotter

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

9. Project Monitoring

10. Violations & Enforcement

- a. DEP #256-0312 - MassDOT Toll Booth Removal: Robert Natario, MADOT is requesting a 30 to 45 day extension of the March 20 deadline for the required restoration plans for the I-90 violations. Due to reasons beyond his control, he hasn't been able to discuss the plans and details with Dennis or Julia of AECOM. To submit quality plans, and provide time for approximately six (6) different people to review the information, he is requesting the extension. MassDOT has been actively working with the Commission to come into compliance with the previously issued Order of Conditions and the Agent recommend the Commission vote to extend the deadline to May 1, 2018

Motion made by Nicholas Zeo to extend the deadline for the required Resource Area Restoration Plans (RARP) to May 1, 2018

Motion was seconded by David Cotter

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

- b. DEP #256-0327: Sherwood Lumber Replication: The Agent has received the Standard Operating Procedures for Snow Disposal from Sherwood Lumber. Sherwood Lumber will use company owned assets and employees for all site snow removal activities. Snow removal team members will be trained on all applicable safety procedures/policy. Prior to all snow removal activities, site management will direct yard personnel to remove all debris and plow obstructions from isle ways and parking lots.

Snow removal will be completed by clearing the main roadways first, RR tracks and crossways second and product storage areas/isles last. Snow storage areas will be strategically placed in various destinations throughout the yard. At no time is snow storage allowed near the adjacent wetland area. This area is on the river side of the yard and is posted. All snow removal application must demonstrate

pushing “away” from the posted area, pushing toward the center of the yard/RR tracks. Snow storage in the posted area/tree line is strictly prohibited.

Dave Cotter asked where the SOP will be located as there are several people there who do it. The Agent

11. New/Old Business

- a. Administration of 2017 MA Trails Grant: SCA Scheduling, Etc: May 3rd site AmeriCorps to Fort River w/ Andy French
- b. 2018 604(b) Grant Application – Forest Lake: The Agent is working with Paul McManus, of EcoTec to write the grant. EcoTec will serve as lead consultant on the project if the grant is accepted.
- c. 2018 Culvert Replacement Grant – RT 181: The Agent is currently working on the grant narrative and will meet Gerry (DPW) tomorrow to discuss further.
- d. 2017 MS4 Grant – Dry & Wet weather outfall testing on Quaboag: The Commission received grant funding through the watershed council to conduct dry and wet weather outfall screening along the Quaboag River. Sampling events will begin in July.
- e. Unauthorized OHV Use Midura: The \$100 fine has been paid.
- f. Stakeholder Mapping – Stormwater & MS4: As part of the *Getting Community Buy-In for Stormwater Funding* workshops the Agent has been attending with DPW Staff a requirement prior to the next session scheduled for March 30, 2018 is to review the stakeholder map we developed with 2-3 people who were not in the session. The goal is to have people with different networks review the map and it’s preferable if they think differently about stormwater funding than we do. The recommended questions to ask include:
 - Are we missing anyone who you think should be on the map? [Remind them that you want to include likely supporters AND opposers on your map.]
 - Would you plot any of these people in a different location on this map?
 - Our next step is to interview a few people to learn what they think about the issues in our community that are affected by stormwater management. Who do you think we should interview?

13. Upcoming Events, Conferences & Trainings

- a. MLTC Annual Conference: The MLTC Annual Conference is scheduled for this Saturday 3/24/2018, from 8am-4pm at Worcester Technical High School. The Agent Plans to attend
- b. Palmer Public Library Poetry Pageant: The topic of this year’s poetry pageant at the Palmer Public Library is Rivers and the Agent has been asked to read a poem about Rivers. The Pageant will be held on the evening of Wednesday 4/4/2018, from 6:30-7:30pm.
- c. Three Rivers TRACK Fair: Saturday 5/5/2018 from 10am to 3pm – Tabling/Enviroscape Demos. Schedule is as follows: 9am-11am Dave Cotter & Brenda Cole, 11am-1pm Nick Zeo & Donald Blais, and from 1pm-3pm Angela Panaccione and possibly Peter Izyk.
- d. PMFN Week of the Young Child and Brain Building: Follow that Boat!! Friday 4/27/2018 at 9:30am
- e. MSMCP Training in Palmer - Online Permitting and Roundtable Discussion on Development: This training will be held on Wednesday March 28, 2018 from 11am-1pm at the Palmer Police Station Conference Room. The training will focus on using eDEP, a secure site for submitting environmental permits, transmittals, certifications, and reports electronically to the Massachusetts Department of Environmental Protection (DEP). With eDEP, you can fill out your forms online; save your work and return to it later; submit your forms. Mark Stinson, MADEP will review eDEP online and answer questions on its applications, as well as address some common pitfalls of using the system. In addition,

there will be an open discussion on permitting in general so feel free to bring your plans and problem projects for this roundtable discussions and problem solving workshop.

- f. MACC/MassDEP Wetlands Program Staff Joint Workshop: A joint workshop is scheduled for Tuesday March 27, 2018 at the Hadley Senior Center, 46 Middle Street, Hadley MA. It will begin at 6:30pm. This is a new program developed by MACC/MADEP to provide a forum for Conservation Commissioner and staff to participate in round table discussion about WPA issues/permitting/etc. There will be another one done in the Berkshires in May, and there will also be one done in DEP Central Region in Worcester as well.
- g. Emerald Ash Borer Conference: The Agent has been invited to the upcoming Emerald Ash Borer Conference hosted by the Massachusetts Dept. of Agricultural Resources (MDAR) in partnership with the Dept. of Conservation and Recreation (DCR) on Tuesday, April 24th, 2018 in Pittsfield because she has been identified as a key participant due to her involvement with land and resource management in Massachusetts.

14. Office Closed: Wednesday 3/28/18

15. Set Next Meeting Date: Tuesday April 3, 2018 @ 6:30pm

16. Meeting adjourned: 7:45 PM

Motion made by Nicholas Zeo to adjourn at 7:45 PM

Motion was seconded by Brenda Cole

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, March 20th, 2018 – 6:30 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)	2/20/2018 Email from Charlie Blanchard to Chairman Donald Blais - Requesting Information on Budget Request	Chair, Member & Committee Reports	FY19 Budget Request Folder
3(a)	Forest Cutting Plan – Foster Street	Review Phone/Mail/Email Messages	2018 Forest Cutting Plans File Folder
3(b)	I-90 Bridge No. P-01-046 (Quaboag River); Executed Administrative Consent Order with Penalty (ACOP):	Review Phone/Mail/Email Messages	I-90 Bridge No. P-01-046 ACOP File Folder
5(a)	Meeting Minutes: 2/20/2018	Approval of Minutes	FY18 Minutes Binder
5(b)	Meeting Minutes: 2/26/2018	Approval of Minutes	FY18 Minutes Binder
6(a)	Invoice Donald Blais – Mileage MACC Conference 3/3/2018	Approval of Payables	FY18 Payable Folder
6(b)	Invoice Angela Panaccione – Mileage February 2018	Approval of Payables	FY18 Payable Folder
8(a)	WPA Form 3: Notice of Intent – Upper Bondsville Dam Repairs; prepared by Fay Engineering Services; dated 5/4/2017	Schedule of Public Hearings	DEP #256-0324 File Folder
8(a)	Notice of Intent Narrative – Upper Bondsville Dam Repairs; prepared by Fay Engineering Services; dated 5/4/2017	Schedule of Public Hearings	DEP #256-0324 File Folder
8(a)	Bondsville Upper Dam Phase 1 Inspection/Evaluation Report, prepared by Tighe & Bond, Inc., dated 3/20/2009	Schedule of Public Hearings	DEP #256-0324 File Folder
8(a)	Operation & Maintenance Manual – Upper Bondsville Dam State Dam ID#: 7-12-239-5; prepared by Belchertown Land Trust; dated 5/19/2017	Schedule of Public Hearings	DEP #256-0324 File Folder
8(a)	Bondsville Upper Dam Repairs Project – Belchertown Land Trust NATDAM MA00560 (Sheets 1-12); prepared by Fay Engineering Services; dated 5/1/2017; revised 1/17/2018	Schedule of Public Hearings	DEP #256-0324 File Folder
8(a)	Coffer Dam, Turbidity Curtain & Dewatering Specs (Typical); Prepared by Northern Construction, LLC; dated May 16, 2016	Schedule of Public Hearings	DEP #256-0324 File Folder
8(a)	Spill Control Plan; Prepared by Northern Construction,	Schedule of Public Hearings	DEP #256-0324 File Folder

	LLC; dated 11/2016		
8(a)	MGL Chapter 253 Dam Safety Permit No. 306-2016-306; prepared by DCR Office of Dam Safety; dated 11/1/2016	Schedule of Public Hearings	DEP #256-0324 File Folder
8(a)	Massachusetts Department of Environmental Protection Bureau of Water Resources – Waterways Program Chapter 91 Waterways License Plans (Sheets 1-6); prepared by Fay Engineering Services; dated 1/17/2018	Schedule of Public Hearings	DEP #256-0324 File Folder
8(a)	Power Point Presentation - Upper Bondsville Dam Repairs; prepared by Fay Engineering Services; dated 2/20/2018	Schedule of Public Hearings	DEP #256-0324 File Folder
8(b)	WPA Form 4A – Abbreviated Notice of Resource Area Delineation: 358 Shearer Street, Palmer, MA, prepared by LEC Environmental Consultants, Inc., dated December 12, 2017	Schedule of Public Hearings	DEP #256-0328 file folder
8(b)	Affidavit of Service, Abutter Letter, Abutter Notification Form, Abutters List & Certificates of Mailing	Schedule of Public Hearings	DEP #256-0328 file folder
8(b)	ANRAD Application Report 358 Shearer Street, Palmer, MA, prepared by LEC Environmental Consultants, Inc., dated December 12, 2017	Schedule of Public Hearings	DEP #256-0328 file folder
8(b)	Appendix A – Figure 1: USGS Topographic Quadrangle	Schedule of Public Hearings	DEP #256-0328 file folder
8(b)	Appendix A – Figure 2: FEMA Flood Insurance Rate Map	Schedule of Public Hearings	DEP #256-0328 file folder
8(b)	Appendix A – Figure 3: MassGIS Orthophoto & NHESP Map	Schedule of Public Hearings	DEP #256-0328 file folder
8(b)	Appendix B: DEP Bordering Vegetated Wetland Delineation Field Data Forms and Site Photographs, dated August 24, 2017	Schedule of Public Hearings	DEP #256-0328 file folder
8(b)	Appendix C: Wetland Flag Locations, 358 Shearer Street, Palmer, MA, prepared by Graves Engineering, Inc., dated November 16, 2017	Schedule of Public Hearings	DEP #256-0328 file folder
8(c)	WPA Form 3: Notice of Intent – Proposed Solar Array 271 Breckenridge Street; prepared by Borrego Solar Systems Inc; dated 12/8/2017	Schedule of Public Hearings	DEP #256-0331 File Folder
8(c)	Notice of Intent Narrative – Proposed Solar Array 271 Breckenridge Street; prepared by Borrego Solar Systems Inc; dated 12/8/2017	Schedule of Public Hearings	DEP #256-0331 File Folder
8(c)	Wetlands Delineation Report 271 Breckenridge Street, Palmer, MA, prepared by SWAC Environmental Consultants, Inc., dated 10/5/2017	Schedule of Public Hearings	DEP #256-0331 File Folder
8(c)	Wetland Determination Data Forms and Site Photographs, prepared by SWAC Environmental Consultants, Inc., dated 7/26/2017	Schedule of Public Hearings	DEP #256-0331 File Folder

8(c)	Site Plan Review 271 Breckenridge Street Project Number: 905-0811 (Sheets 1-5); prepared by Borrego Solar Systems Inc.; dated 12/8/2017	Schedule of Public Hearings	DEP #256-0331 File Folder
8(c)	Stormwater Management Report 271 Breckenridge Street; prepared by Borrego Solar Systems Inc; dated 12/8/2017	Schedule of Public Hearings	DEP #256-0331 File Folder
10(a)	MassDOT request for extension of RARP – I-90 Toll Booth Removal; emailed by Robert Natario MADOT; dated 3/15/2018	Violations & Enforcement	DEP #256-0312 File Folder
10(b)	Sherwood Lumber SOP Snow Removal; prepared by Brian Nunes; dated 3/9/2018	Violations & Enforcement	DEP #256-0327 File Folder
11(a)	2017 MA Trails Grant Agreement with SCA Americorps	New/Old Business	2017 MA Trails Grant File
11(b)	2018 604 (b) Grant Application – Forest Lake Watershed Based Plan	New/Old Business	2018 604(b) Grant File
11(c)	2018 MA DER Culvert Replacement Grant Application – MA RT-181 Culvert	New/Old Business	2018 DER Culvert Replacement Grant File
11(e)	Receipt from Town Clerk of Conservation Land Violation Fine Paid; dated March 19, 2018	New/Old Business	2/27/2018 Citation – Illegal OHV use at Midura Conservation Land
13(a)	MLTC Annual Environmental Conference 2018 Information and Registration Form	Upcoming Events, Conferences & Trainings	MLTC 2018 Annual Conference Folder
13(g)	Invitation to Attend Emerald Ash Borer Conference; Email from Javier Marin; dated 2/27/2018	Upcoming Events, Conferences & Trainings	EAB File Folder