



TOWN OF PALMER

Palmer Town Building
4417 Main Street
Palmer, Massachusetts 01069

Angela Panaccione
Conservation Agent

Telephone: (413) 283-2611
FAX (413) 283-2637

CONSERVATION COMMISSION

PALMER CONSERVATION COMMISSION MEETING TUESDAY MARCH 5, 2013 @ 7:00 PM

Members Present: Robert Ring (Chair), Donald Duffy, Dennis Cote, Peter Izyk, Matt Trybus,
and Angela Panaccione (Agent)

Members Absent:

Also Present: Heather Comee (Pioneer Environmental Inc.)
Donald Frydryk (Sherman & Frydryk)
Fred Ferguson (Palmer Motor Sports LLC.)
Dick Patullo (Sports Car Club of America)
John Fryer (Dover Law Firm)

Meeting Opens: 7:00 PM – Robert Ring (Chair)

7:00 PM Continued Amended NOI DEP #256-0269: Palmer Motor Sport LLC.

The current applicants Fred Ferguson (Palmer Motor Sports LLC.) and John Fryer, and former applicant Dick Patullo (Sports Car Club of America) attended tonight's hearing with representatives Heather Comee (Pioneer Environmental Inc.) and Donald Frydryk (Sherman & Frydryk) to present a request to amend Order of Conditions DEP # 256-0269 for the access route to the proposed Palmer Motor Sports development off West Warren Road.

Amendment vs new Filing: The Agent expressed concern about the project being submitted as an amendment because the addition of the new parcel increases the scope of the project in her opinion and does not technically have conditions associated with it to be amended. In her opinion, the applicant should have filed a new NOI or even an RDA, only for the new parcel purchased. The representative (Comee) stated the new access route is proposed on the new piece of property (Assessors Map 44-35) and will provide an easier, more direct access route to the facilities. The new route will make less of a disturbance, will have less of a change in grade and will have no resource area impacts either. This has been a several year process and the application was submitted as an amended NOI per the recommendation of the Palmer Conservation Commission.

Quarry Road: The top sheet (sheet 1 of 6) was revised and presented to the Commission to incorporate Quarry Road and the trail system. The revision marked the path from the proposed parking lot to the intersection with state land and trails to Colonel Mountain. Legal access and liability for the trails should be determined and incorporated into the permitting process. A hold harmless agreement will be developed between the Town of Palmer and Palmer Motor Sports for the initial access. The entrance and initial crossing are on town land and if anything should occur during construction or otherwise, the town will not be held liable for any damages.

Stream Classification: The applicant is requesting the stream on the property be classified as intermittent, not perennial as it is depicted on USGS maps. The applicant (Fred Ferguson) provided video and photographs of the dry stream from July of 2012. Comee also provided USGS stream stats and a basin characteristic report of the stream and watershed for the Commission's review. Ring agreed the stream is pretty dry in the summer and supports the classification of the stream as intermittent. Several site visits and past discussion have shown the beginning of the stream is intermittent. The area is mostly swampy and is not spring fed. Panaccione discussed the reclassification with DEP and supplied the commission with the DEP guidance for stream reclassification. Comee informed the commission if the stream is reclassified; only the section of the stream in this application will change. The lower sections of the stream will remain classified as perennial as of the original 2007 Order of Conditions. The Agent stated that if the commission did agree with the reclassification, to be sure it only applied to the new parcel Assessors Map 44-35.

Motion made by Don Duffy to classify the stream as intermittent, only on the new parcel, Assessors Map 44-35

Motion seconded by Robert Ring

No further discussion – vote taken: 5-0-0 – Motion Carries

Natural Heritage determination: When the application was initially filled the area was not listed as priority habitat, but now it is. The applicant submitted the NOI to NHESP for review. Comee informed the commission the last crossing (Crossing 5) is a wetland's crossing specifically incorporated into the plans at the request of NHESP to mitigate against the affects of the project of the migration of vernal pool species in the area. NHESP did request the deed restriction be a conservation restriction instead. The applicant will re-draft the conservation restriction per NHESP recommendations. Duffy did state the town will not want to own the land, only hold the restriction.

Trail Access: The current easement/restriction of the property is for access to a single family house only. The restriction needs to be modified and the easement moves as well.

Motion made by Don Duffy to change the current deed restriction on the property to allow access and to move the location of the current easement per town council approval

Motion seconded by Peter Izyk

No further discussion – vote taken: 5-0-0 – Motion Carries

Duffy also requested the applicant develop a hold harmless agreement, the revised wording for the Deed/Conservation restriction and a draft of the special conditions discussed at tonight's meeting.

Motion made by Don Duffy to close the hearing

Motion seconded by Peter Izyk

No further discussion – vote taken: 5-0-0 – Motion Carries

8:15 PM Administrative Matters

Chair Report: Ring updated the commission on the Blake Lamothe – 103 Water Street violation. Currently Mr. Lamothe is being fined \$100/day for refusing to file for a fence he constructed on his property. Ring spoke with the town attorney and the violation is going to court. The town Attorney developed an official complaint against Lamothe, which Ring signed on behalf of the commission. No court date has been set.

Minute Approval: February 19, 2013

Motion made by Denis Cote to approve the minutes from Tuesday February 19, 2013 as amended

Motion seconded by Don Duffy

No further discussion – vote taken: 4-0-1 – Motion Carries

Computer Purchase:

The commission discussed what they would need in a new computer. A lap top, with a lot of memory and Office 07 or higher would be preferred. Denis Cote will type up a request and email it to the Commission and the Town Manager

Bylaws and Regulations: The commission discussed possibly updating the bylaws and regulations. They are outdated (passed 1988), and do not even include any Riverfront standards. Panaccione emailed the commission a spreadsheet of the various fees administered by other towns in Mass and the proposed Brimfield Bylaws she had been working on for a comparison. Duffy suggested the fee's be compared to more local towns and the bylaws get broken down to show the difference between Brimfield and Palmer.

Next Meeting Date: Tuesday, March 19, 2013 at 7 PM

8:05 PM Meeting Adjourned

Motion made by Don Duffy to adjourn

Motion seconded by Peter Izyk

No further discussion – vote taken: 4-0-0 – Motion Carries

Sincerely Submitted

Angela Panaccione, Agent