



# TOWN OF PALMER CONSERVATION COMMISSION

## Meeting Minutes

Tuesday, April 23, 2019 – 6:30 PM

LOCATION: Town Administrative Building Meeting Room

Donald Blais, Chair  
David Cotter, Vice Chair  
Peter Izyk  
Nicholas Zeo  
Brenda Cole  
Dorothy Lawrence  
Mike Swiatek

Angela Panaccione, Agent  
Jeff Stanhope, Assistant

**Members Present:** Donald Blais, Jr.  
David Cotter  
Peter Izyk  
Nicholas Zeo  
Brenda Cole  
Dorothy Lawrence  
Mike Swiatek  
Angela Panaccione, Conservation Agent  
Jeff Stanhope, Conservation Assistant

**Members Absent:** No Members Absent.

**Also Present:** Paul Siok, South Main, Bondsville  
Dwight Reim, 2004 Palmer Road, Three Rivers  
Joseph Midura, 3016 Palmer Street, Bondsville  
Joseph Paolini, Forest Lake Properties  
Leslie Fanger, Bohler Engineering  
Christina Pike, 631 River Street, Thorndike  
Marie Pike, 635 River Street  
Rick Licht, Licht Environmental Design  
Kristen Page, ASE, Uxbridge  
Paul McManus, EcoTec  
Jonathan Pratt, 34 Forest Lake Road  
Elaine McNeill, 34 Forest Lake Road  
Lori Hinkel, 624 River Street  
Steven Lopes, 336 Berkshire Road, Southbury, CT

1. **Call to Order:** 6:35 PM – Donald Blais, Jr. (Chair)
2. **Chair, Member & Committee Reports:** No Chair, Member & Committee Reports.
3. **Review Phone/Mail/E-Mail Messages**
  - a. **Offer of Land Donation: Sykes Street (Lots 18-1, 18-2-1 & 18-18)**

The Agent is waiting for the title examiner and waiting on a certificate of a clear and clean deed title and then the Conservation Commission can proceed.

**b. National Grid Notification of Utility Maintenance**

National Grid is replacing a fence at the location of the address 24 Blanchard Street. In the letter to the Conservation Commission, they stated that the fence replacement is considered normal maintenance. They will be installing erosion and sediment controls as well as accessing the work area from an existing driveway. Both will be done in order to minimize potential disturbances, but it was noted that any disturbed areas will be restored. National Grid will contact the Agent when the proposed work is complete so that she can inspect the quality of the storm water and run off controls, as well as confirm that there was no grade change and that the work was done all within the buffer zone.

**c. Notification of Vegetation Management Mass Central Railroad (MCR)**

Mass Central Railroad (MCR) is doing utility pole replacements on Breckenridge, more specifically they are upgrading the poles. MCR sent the work notification letter in accordance with the Conservation Commission that they will be doing right of way (ROW) maintenance; in particular they are spraying for vegetation management.

**d. Notification of Vegetation Management New England Central Railroad (NECR)**

New England Central Railroad (NECR) sent a notification letter to the Conservation Commission, which was limited compared to the letter from MCR because they didn't provide as much information as MCR. For their vegetation management, NECR is doing a chemical application by applying an herbicide, hot mess, with a low pressure spray nozzle.

**4. Public Inquiries: No Public Inquires Scheduled.**

**5. Approval of Minutes**

**a. February 5, 2019**

**Motion made by Nicholas Zeo to approve the minutes from February 5, 2019 as amended.  
Motion seconded by Dorothy Lawrence.  
No further discussion – 7-0-0 – Motion Carries.**

**b. April 2, 2019**

**Motion made by Dorothy Lawrence to approve the minutes from April 2, 2019 as amended.  
Motion seconded by Peter Izyk.  
No further discussion – 7-0-0 – Motion Carries.**

**6. Approval of Payables**

**a. Park Saw – \$299.00**

**Motion made by Dorothy Lawrence to approve the payable to Park Saw for a ConCom Weed Wacker for Conservation Land Management from the Conservation Land Maintenance Account.  
Seconded by Nicholas Zeo.  
No further discussion – 7-0-0 – Motion Carries.**

b. Palmer Paving – \$336.32

**Motion made by Dorothy Lawrence to approve the payable to Palmer Paving for Hardpack Gravel & 1 ¼” Stone from the Conservation Commission Trails Grant (TRAILS) Account.  
Seconded by David Cotter.  
No further discussion – 7-0-0 – Motion Carries.**

c. Mileage – \$255.20

**Motion made by Dorothy Lawrence to approve the payable to Angela Panaccione for Mileage Reimbursement for 3/18/2019 – 4/18/2019 from the Conservation Commission Town Wetlands Ordinance Account.  
Seconded by David Cotter.  
No further discussion – 7-0-0 – Motion Carries.**

d. Mileage – \$76.56

**Motion made by Dorothy Lawrence to approve the payable to Jeff Stanhope for Mileage and Tolls Reimbursement for travel to MassDEP’s Boston Office from the Conservation Commission Town Wetlands Ordinance Account.  
Seconded by David Cotter.  
No further discussion – 7-0-0 – Motion Carries.**

e. MSMCP – \$35.00

**Motion made by David Cotter to approve the payable to MSMCP for the Agent’s Annual Conference Fees from the Conservation Commission General Expense Account.  
Seconded by Peter Izyk.  
No further discussion – 7-0-0 – Motion Carries.**

7. Signing of Documents (DOA, OOC, COC, Ext, Etc.): No Signing of Documents.

8. Schedule of Public Hearings

a. 7:00 PM Notice of Intent (NOI) DEP #256-0336: Forest Lake Seasonal Cottages – Off River Street & Forest Lake Road (Map 36-86, 31-1-1, 30-11-5)

The applicant is requesting an Order of Conditions (OOC) for proposed site development of a Seasonal Cottage Resort with lake front amenities; including the construction of a canoe/kayak launch & beach restoration. Work is proposed within Forest Lake, within the Riverfront Area of the Ware River and associated buffer zones.

Rick Licht from Licht Environmental Design said that the whole team is here tonight for the continuance of the public hearing and that the last meeting was April 2, 2019 or 4/2/2019. Rick Licht said that they left the meeting with 5 specific item points that the Agent, the Commission, and SWCA requested them to provide. Item number 1. Whether or not to stick with the removal of the 6 cottages previously removed. Item number 2. Be sure to add and depict the elevation correctly on the wetland plans for FEMA floodplain map zone AE. Item number 3. Provide additional berm cross-sections. Item number 4. Put on the record that they would be using the DASH methodology. Item number 5. A question

about the phasing plans. Rick Licht said that between then and now they released a submission dated April 8, 2019 as well as submitted a memo dated April, 18, 2019. Today, April, 23, 2019, in conversations with the Agent and John Thomas of SWCA they went over performance standards in the areas adjacent to the resource areas and the Agent recommended that they do so in the areas of Bordering Land Subject to Flooding (BLSF) as well. Rick Licht said that this morning they submitted a table of flood storage volumes and it shows that there is no significant change or loss of volume of flood store storage volumes. Rick Licht said that in their memo dated April 8, 2019 they stated that in the southern most portion of the site subject to jurisdiction of the Conservation Commission, they have indicated that all construction, grading and other work activities will take place outside of the riverfront area (RFA) and jurisdictional areas. He added that no such activity will occur in jurisdictional resource areas like the RFA in accordance with their revised set of plans. Rick Licht said that the applicant was asked to show the calculated elevation numbers on the wetland plans for FEMA floodplain zone AE, which also shows that all of their work will be outside of FEMA zone AE as well as the 100-foot buffer. Rick Licht said that at the end of the day the proposal is to take out 1/3 or one-third of the berm height and at least 100-feet will remain as-is as well as be wooded and stabilized. He added that as you go into the property the bottom of the slope will be completely wooded and vegetated as well. Rick Licht said that the new proposed elevation will be 85 feet for the buffer or between 85 – 100 feet depending where you look from. Rick Licht said that the wetland line and 100-foot buffer for BLSF goes 35 – 40 feet into the area of disturbance for grading of the berm. He said there is also 75 – 100 foot buffers throughout as well, 35 – 100 feet on the BLSF and 75 – 100 feet on the Bordering Vegetated Wetlands (BVW).

John Thomas asked for the overall area number amount for potential impacts in the buffer zone for Bordering Land Subject to Flooding (BLSF). He asked for a number percentage, for example is it 3 percent or is it 4 percent, for how much area they think that they will cut from the berm.

Rick Licht said that the DASH methodology and technique is to reduce the amount of environmental impact and lessens the potential damage factors. Rick Licht said that the Agent asked that they submit updates on an incremental basis in order to see what the flood loss volumes would be. Elevation 370 at the end of the beach areas. Rick Licht said that the beach nourishment plan is to take it down 6-inches, remove the sand and gravel, then use screened sand from the site, which was the plan recommended by Natural Heritage. He added that here will be no grade change because what they remove in cubic feet they will be replacing with the same of slight amount of cubic feet. Rick Licht said that they calculated a net gain of 768 cubic feet for flood storage.

Rick Licht said that the other item on the list was that the Agent and the Commission wanted to wait to receive comments from MassDEP after they were done with their review. He explained that Mark Stinson of MassDEP said himself that he wouldn't review much more than he already has to date.

The Agent said that one thing she took from Mark Stinson's comment is that what the applicant plans to do with their proposed beach is not beach nourishment, but rather it is beach creation on the other hand. She added that there are 2 items that she would like MassDEP to address. Item number 1. The cottages in the riverfront. Item number 2. Is it beach nourishment or is it actually the creation of a new beach for which you have to meet performance standards for Bordering Land Subject to Flooding (BLSF) because in the case of a new beach it would be slightly different.

Paul McManus said that he uses the characterization of nourishment/restoration for the proposed beach area because in his view it's not actually germane in terms of the history. He added that in terms of compliance with the performance standards, they have looked at it throughout and thoroughly and have looked at the performance standards for all 3 areas. The 3 areas are linear feet of bank, linear feet of

land under water (LUW) and linear feet of Bordering Land Subject to Flooding (BLSF). Paul McManus said that their view is that the work complies with the regulatory standards in all areas, but he said however you call it nourishment or creation and it doesn't change the performance standards that they are planning on addressing. He explain how Natural Heritage didn't want to have an open undefined swimming area, but wanted something more along the lines of what they ended up with for a beach swimming area in order to best prevent any disturbances to the Bridle shiner habitat.

Paul McManus said that the plans call out the work proposed there without giving it a name at all, he admits to using the name nourishment in discussions, but without any name associated, the plans still remain the same.

The Agent asked about the wildlife analysis. The swimming area bank was mentioned as linear footage to be added as disturbance amounts. Paul McManus said that the Agent asked if the clean-up area was to be included in the calculations for land under water (LUW), but he only for certain that the swimming area would be included in those calculations.

John Thomas wants to know the cubic amount of disturbed area for the beach nourishment area. The Agent followed up on his statement and said that the numbers need to be updated on the forms and resubmitted to MassDEP or else they are not permitted to work in those resource areas. The Agent said Bordering Land Subject Flooding (BLSF) wasn't taken into account for the wildlife analysis when it should have been. John Thomas said that it should be consistent with the number calculated for bank.

The Agent asked if there was any evidence of turtle habitat and/or turtle nests in the sandy areas, like the beach area and other similar areas, but either way the Notice of Intent (NOI) and the wildlife BLSF need to be updated.

Nick Zeo wants to know is possible if we can arrange a site visit for the Conservation Commission. The Agent said that we haven't done a full Commission site visit since the Request for Determination of Applicability RDA about a year and a half ago. The Agent said if that were the case then the hearing would stay open until the next meeting in order to allow the performance of a site visit. She mentioned that it would give the applicant the time needed to update their forms as well as add the correct square footage calculations. John Thomas asked if the applicant can provide us with a number for amount of square feet area of work within the floodplain as well as in the Bordering Land Subject to Flooding (BLSF) itself. The Agent asked the applicant what the rush is to close if they still have to go through the Massachusetts Environmental Policy Act (MEPA) regulations and review as well as other things that will take up a lot time. She said that she thinks that it would be fair to allow the Conservation Commission a full Commission site visit. Donald Blais said that we are all looking at the facts. Joe Paolini thinks it's not major it's minor. The Agent said that areas subject to the Wetlands Protection Act (WPA) are significant and need to be calculated appropriately, therefore a site visit is crucial. John Thomas said that we [the Commission and SWCA] have discovered new things along the way and that a lot of things are happening simultaneously. He added that sometimes things can be overlooked or missed and this happens, but in time things will come together.

Rick Licht said that the performance standards have been met and it's just a square foot number that they still need to provide now by taking the time to calculate that number. He said that 11,665 square feet is the number they provided for the beach area. John Thomas said that the work within the Bordering Land Subject to Flooding (BLSF) is within the beach area. He added that when the applicant prepares their as-built for the beach plan it cannot exceed 11,665 square feet, not even by a foot, or they have to go back to the drawing board for the as-built plan as well as make sure that they have met the

performance standards and do not exceed the beach area square footage. Paul McManus said to that point they would expect to give a fine detailed topographic map that shows the before and after as part of a Certificate of Compliance (COC).

Rick Licht said that one more discussion item they want to talk about is a waiver request for the fees of mitigation and the applicant would like to have a discussion with the board on the matter. He said that he wants to know how the board feels about the applicant's waiver request for fees. The waiver that they are asking for is for the fee structure and they believe it's for actual mitigation in the field. Rick Licht said that to date the fees that the applicant has paid total over \$20,000 as of tonight. The applicant doesn't know if paying on a square foot basis for the mitigation fees and the mitigation monitoring is the best route for the type of site they have for their project. The Agent said that the reasoning behind the monitoring and mitigation fees is to make sure there is enough money to cover inside and outside inspections. The Agent added that a big concern is the construction impacts specifically in terms of stormwater monitoring and erosion control monitoring and we lack the ability in our ordinance with bonds, and so that's why we address the fees in order to cover such instances.

John Thomas added that in light of this NOI application and because they will disturb more than an acre of land, the applicant will be required to submit a National Pollutant Discharge Elimination System (NPDES) permit as well as other permits and reports related to a Construction General Permit. John Thomas mentioned that even when there is only a quarter inch of rainfall, he thinks that the Conservation Commission should be part of the chain of those forms documents that are reported. The Agent said to think of past projects and past violations that we've had where we're ignored and there's pressure from the top down to just do it. The Agent said that we then don't get the support we need to make sure compliance is achieved. David Cotter said that like John Thomas mentioned, there's going to be a lot more watching of this project from the outside on a weekly basis. John Thomas said that we [the Commission and SWCA] would like to receive copies of the records of the applicant Stormwater Pollution Prevention Plan (SWPPP) reports, for which there will be multiple reports as it's a report that has to be submitted on a frequent basis. David Cotter said that because it's a long term project it could be less money than the other route. The Agent said that it could be potentially worse especially with the phasing.

Joe Paolini said that an outside consultant could submit updated reports to both sides and for example if a violation was to occur then a cease and desist order would be in order. Joe Paolini said he feels that with the amount of money they have invested in the project, they want to stabilize the sensitive areas first and be done with them before moving on the other portions of the project. He asked if we could have a third party record the reports, if the board is in agreement to go that route. The Agent said we could specifically write a condition that says something along the lines of, (she said we always require an environmental monitor) change the conditions to an environmental monitor chosen by the Commission and paid for by the applicant and maybe do it under the act as well. The Agent said that we would actually write it into the Order of Conditions (OOC). The Agent realized it works better, like for example take the two solar projects, one has an environmental monitor and the other the company does it, and we will examine and look at those violations later. David Cotter said he wants to know what fees are being waived right now. The Agent said we would waive those fees on the condition that the applicant pays for an environmental monitor that does not only quarterly reports as a whole, but also does the SWPPP reports, but they are going to have to hire someone to do the SWPPP reports as well anyway. John Thomas said it covers it with more eyes. The Agent said that MGL Chapter 44 Section 53G says that the Commission can retain an outside consultant all the way through the project to check the erosion and sediment controls and stormwater controls. Rick Licht said most of the site is all internally drained, but the Agent said it doesn't matter that it used to be a gravel pit because the

neighboring site is a gravel pit and water ends up all the way into the Ware River. Paul McManus further explained the Agents point about an environmental monitor. Where to look, how to look, what to look for, and the intensity of how hard to look. Joe Paolini said that they pick an area to work in and the other areas will be protected and not touched in order to make sure nothing is busting out. Phases like phase 1, so many acres, that's what they will protect and work on and focus in on.

The Agent said we would make a motion to waive the local fees contingent upon applicant paying outside consultant fee for environmental monitor of Commission's choice under MGL Chapter 44 Section 53G.

**Motion made by Dorothy Lawrence to waive the Local Fees contingent upon the applicant paying the Outside Consultant Fees for an Environmental Monitor of the Commission's choice.**

**Seconded by Brenda Cole.**

**No further discussion – 6-0-1 – Motion Carries.**

John Thomas talked about the cuts being done to the slopes of the hill also referred to as the berm. The Agent said that's why Nicholas Zeo wants to do a site visit, so that we can see where the cuts are going to be on the berm. She added that is why we should be doing a site visit before the actual public hearing is closed. The Agent said that if the public hearing were to be continued after a site visit, it's not like any more information is going to be requested from the applicant, but it gives the Commission a chance to feel more comfortable with their decisions. The Notice of Intent (NOI) was done in the month of November. Nicholas Zeo said that his intent to do the site visit is he is overwhelmed and he is looking for a tactical sense of things. He explained how talking about things is one thing, but seeing it in this particular case is important, therefore he wants to get his feet and eyes on the site to get a better sense of the proposed work for the development. Nicholas Zeo doesn't want to expedite nor inhibit the project, but rather would like to get a complete understanding of the project as a whole.

John Thomas doesn't have any concerns with the riverfront areas (RFA) in itself, but he said that he does want to make sure all the best management practices (BMPs) are in place. He said that the applicant has done the things they needed to do to the greatest extent possible and presented their plans plausibly. John Thomas said that a site visit would give the Conservation Commission a better visualization of the work processes proposed because seeing it on foot in person is crucial, especially for the work to be done to the hilly berm slope. The Agent said it's much different to look at things on paper plans versus to look in real life because in person the Conservation Commission can get a better understanding on how to interpret the presented plans. The Agent said people process stuff differently and how some people need to be there in person to better comprehend the reality of planned work. The Agent said a walk could very well change everything, so what's the harm in extending the public hearing two weeks to allow a site visit. The Agent said that for standard procedure we always do a site visit before we close a public hearing and once the public hearing is closed you technically cannot collect any more information.

John Thomas said that their two stormwater engineers were comfortable with the stormwater report submitted by the applicant. He added that because there are cuts in the hills, his biggest concern and request is that best management practices (BMPs) and erosion and sediment controls are in place when work begins on the berm. John Thomas mentioned and reminded the applicant of the Construction General Permit requirements as well. Nick Zeo explained that his intent to do the site visit was to walk over the maps, illustrations and technical aspects the Commission has been exposed to in the hearings. John Thomas said that the applicant has provided a significant amount of information to the Conservation Commission, with a few hiccups here and there, but overall a lot of information. Peter

Izyk added that the applicant has provided all the information that the Agent & Commission requested. The Agent said there should be a site visit before the Order of Conditions (OOC) is approved. John Thomas said that the information the applicant collected is at 2 foot contours, therefore it's not going to change from a site visit, as the contours out there are what they are from the engineers. The Commission will conduct a site visit Friday, May 3, 2019 at 9:30 am with Paul McManus and Joe Paolini as well.

Donald Blais reopened to public hearing to the public.

**Paul Siok, South Main Bondsville**

Paul Siok said that he has lived in Palmer for 73 years, therefore he knows Forest Lake like the back of his hand. He talked about the history of the Forest Lake Resort. Paul Siok presented pictures of the old beach, pavilion, and picnic area to the left, on printed postcards. He explained the historic canoe rentals because the speed limit especially in the cove was limited to 10 horsepower motors, but now that isn't even allowed. It's no longer permitted to have motors of that horsepower because the cove was always a wildlife area where a small island connects to the cottages on the south end. Paul Siok said that where the beach used to be was marked off so that you could only go into that area so far. He added how people used to pack up and go to Forest Lake with their families every Sunday. Paul Siok said that back in the day the main entrance was accessible by trolley car. He went on to say that he just wanted to educate the room about the history of Forest Lake, which is more like a pond (Great Pond) as far as he's concerned. Paul Siok had one question in regard to the number of how many cottages the applicant will plan take down on the north side. Joe Paolini didn't have an exact number for Paul Siok, but he did explain that the cottages planned to be taken down in that area are already dilapidated and falling apart.

**Elaine McNeill, 34 Forest Lake Road**

Elaine McNeill said that she is concerned about the lack of site visits done by the Conservation Commission. She went on to say that she is very opposed to where the applicant plans to put the beach, which she believes is directly across from the beaver dens. Elaine McNeil asked the question of if it is really a requirement to wait until the very end of the process for the applicant to do the Chapter 91. The Agent said that the Commission will have to issue an Order of Conditions (OOC) before the applicant can apply for Chapter 91. Elaine McNeill said that her discontent with the location of the beach is because it's traditionally a wildlife location with a lot of greenery that should be saved. She added that she is tired of the double speak from the applicant and as an abutter she is upset that there hasn't been any satisfying compromises between the applicant and the abutters that the abutters can be content with.

**Christina Pike, 631 River Street**

Christina Pike said that her family abuts the project and the lake front, so they are sandwiched between the project and the water, therefore she is concerned about the stormwater outlet increase nearby the boat launch. She explained how she is worried about losing access to their cottages because they are no more than 30 feet away, so if it blows out she doesn't want to lose the access road to their cottages if the system were to fail. Christina Pike said that her road is within 30 feet of the proposed boat wash and their well water is close to there as well, therefore she is very worried about potential stormwater failure. The Agent said she would be more worried about detention or retention basin failure because that is more common, as what Christina Pike mentioned is unlikely to occur. Christina Pike said that she recommends the site visit for the Commission because things can be missed without a site visit. John Thomas said that the board is only allowed to do work within their jurisdiction. The Agent said that under the Wetlands Protection Act (WPA) is cumulative impacts with water resources. Christina Pike said that in the Bridle shiner area the applicant will do removals in the waterfront, therefore significant disturbance will be done in those areas, so she asked the Commission to look into those areas very well.



Christina Pike said that many times in the past berm work has been denied, so she doesn't understand why suddenly the berm can be taken down, especially when it couldn't be touched in the past before. John Thomas said that the applicant is proposing 6% work in that waterfront area, so they are compatible with the Wetlands Protection Act (WPA). Christina Pike said that her driveway slopes down into the front corner of the lake where tremendous amounts of sand ended up on her property before, also the cove cumulated lots of sand as well, because from the old gravel pit the areas responsible for washouts have been left abandoned. She added that the whole channel was filled with sand, so she wants to be sure this is accounted for before the construction begins for this project. The Agent said that is exactly why the Conservation Commission made a motion to choose the environmental monitor at the expense of the applicant and reserve the right to pick our environmental monitor. Christina Pike wants to improve the in lake applications. The Agent told Christina Pike that she applied for the MassDEP 604b grant application to the state and said it would benefit the health and overall condition of the lake tremendously if approved. Christina Pike said that the abutters have lived through many years of dealing with issues from the original gravel pit that was the predecessor to the seasonal cottages project.

### **Lori Hinkel, 634 River Street**

Lori Hinkel said that she is very disappointed that some members didn't want to visit the site before they close the hearing. The Agent said for the record the Conservation Commission is conducting a site visit prior to closing the public hearing. Lori Hinkel said that it's turtle nesting season/time, so to be careful when walking around Forest Lake. She then asked if the abutters are invited to the walk. Joe Paolini said no because of liability. Lori Hinkel said that the lake is not a bowl, rather it's a two sided bowl because water goes to the farm and Christina Pike's property. She added that the berm on River Road has numerous utility poles on the berm, so those will have to come down and be removed, and the berm runs the whole lakeside of the property, so Lori Hinkel wonders how much of the berm is being cut.

The Agent asked the applicant to update the NOI electronically.

Lori Hinkel said that the berms at the solar farm next door are already washing away because there is no longer root structures holding the bank together, as they did similar work to the berm to what the applicant is proposing. Her driveway washed out and a lot of water already runs down the street and so she wants to know who is going to pay for her water problems and dust problems. The Agent said the laws have changed dramatically from back then and the policies and regulations have changed. She added that the stormwater regulations are incredibly excessive from the federal level down and that as the Agent and Stormwater Coordinator she will monitor and review stormwater issues very closely.

Christina Pike said they picked up six painted turtles recently, so to please be careful where the Commission walks on the site visit, especially around the sand because they are coming up now.

### **Marie Pike, 635 River Street**

Marie Pike addressed Mr. Paolini and asked him who is putting in the sewer in. Joe Paolini said that he is doing it, but she thought he wasn't doing it for some reason.

John Thomas said he can do it under a different LLC and that's how it works legally. Joe Paolini said all the work will be done by them and paid for by them, but will be done under the Town of Palmer as the applicant. He added that he believes the reason for that is because the road is owned by the Town. Rick Licht said that there will be a master meter, so the water system on this property will be a private system and for the work done within River Street the Town will own the system. He added that they are going to have to improve and replace undersized water and sewer mains for this private system.

John Thomas questioned if the applicant would have to supply additional plans to the Conservation Commission and once this other project comes through if they are going to have to provide additional features that are associated with this project. John Thomas said that if the Commission can condition it in the Order of Conditions (OOC) that once this Notice of Intent (NOI) application goes through, he said there will be two different DEP file numbers, so to make sure the two site plans are concurrent because it's a simple condition like, any site plans that are part of the sewer and water main are to be provided to the Conservation Commission and be consistent with this approval. The Agent said that she wants to look at the impacts as a whole, just like with permitting a house, and therefore look at the impacts of the sewer and water main as a whole. Joe Paolini said it's a forced main for the sewer and a private system. Christina Pike said that they will be doing construction at the two entrance points of the lake at the same time because they will have to be doing construction at the same time. Joe Paolini said they are using a tight tank and well, so then the well goes away when the water is complete, so it's only a temporary feature.

The public comments from abutters concluded for the evening.

**Motion made Brenda Cole by to continue the public hearing to Tuesday, May 7, 2019 at 7:00 pm.  
Seconded by Dorothy Lawrence.  
No further discussion – 7-0-0 – Motion Carries.**

**9. Requests for Certificate of Compliance:** No Requests for Certificate of Compliance.

## **10. Project Monitoring**

**a. DEP #256-0331: 271 Breckenridge Solar**

David Cotter said they put in a big pole gate that blocks the road now, which is something fairly new. Last Friday, the Agent went out to the site with Gerry Skowronek (DPW Director) to look at all of the water coming off of the site. The Town is getting Tighe and Bond to look into tying in the drainage of their site and putting some sort of catch where their basin is. The Town will design essentially whatever they think will work as the best solution for the water problems and Borrego will cover the bill, and the plan is that it will prevent water from ending up in the cluster of neighbors off of Breckenridge Street and flooding basements.

## **11. Violations & Enforcement**

**a. DEP #256-0312: MassDOT I-90 Toll Plaza**

The Agent will request that MassDOT attend the next meeting.

**b. MA DOT Turnpike Bridge RT-181**

The Agent said that in the last big storm there was a significant washout from the site.

**c. L65 Bennett Street**

No update.

**d. DEP #256-0332: L12 Breckenridge**

The Agent said that the official address is 153 Breckenridge. She conducted a site visit and noticed that water is going through their flock logs as well as sediment and water is going through the Bordering Vegetated Wetlands (BVW). The erosion and sediment controls breached and the water level became about a foot and a half deep in the wetlands with all of the sediment in it. The Agent said that restoration is going to be needed on site to resolve the water issues that were the result of the controls failure that led to the breach. John Thomas said to contact them immediately, but the applicant was one site with the Agent and some ConCom members at the time of the site visit. The Agent is going back on site Friday, April 26, in the morning at 9:30 am. The Agent said that her recommendation is to issue the enforcement order with the proper conditions for a restoration plan. She noticed that the applicant didn't have their Stormwater Pollution Prevention Plan (SWPPP) binder on site, which is a stormwater violation in itself. The Agent stated that at the minimum she wants them to build check dams on the slopes of the access road as well as add more rock to the upper sediment trap and all other traps, sweep the road and dig out sediment on the other side of the fence where their flock logs go. The Agent wants them to have an entire resource management plan before the deadline. She also added that she doesn't want anything done without a specialist on site.

John Thomas suggest the applicant do the aforementioned restoration work manually by hand, as to not cause more disturbance with heavy machinery and other equipment. The Conservation Commission's only jurisdiction on this site is the access road. John Thomas said that because the entire site is discharging the whole site is now under the jurisdiction of the Commission and since the applicant isn't keeping up with their stormwater controls, it will remain in the Commission's jurisdiction for the time being. Basins were added before this incident that weren't on the original plans and the applicant has already dug those 6 feet deeper and much wider, above and beyond what was on their site plan, but apparently it's still not enough to handle the amount of water. The Agent doesn't recommend stopping work right now with the entire mountain hill bare. The Agent said they are phasing the work and that the posts and poles are up, but the panels are not in yet. John Thomas said that the main issue however is that the water cannot permeate and the Agent credited that to the high concentration of clay soil. David Cotter said that the area of the site leading down to the cold water fishery (CWF) is a solid paved road which affects and increases the velocity of the water. John Thomas and the Agent suggest check dams and "U's" are what they would be looking for the applicant to do too. The Agent is still planning to return to the site on the morning of Friday later this week. She explained that a CWF specialist reviewed the plans and said if they do it properly it shouldn't impact the CWF resource whatsoever. Don Frydryk is involved and recommended the addition of a pitch and to put in a bioretention swale. A wetland scientist is scheduled to fix the wetland area problems as soon as possible. John Thomas said that the applicant needs to ensure that the full area is stabilized or a lot sand will wash out with all of the water runoff because sand is already mixing into milky water. John Thomas also recommends woodchip berms, as they can be effective if installed properly in strategic locations on site. The Agent will investigate how many culvers downstream are now filled with sediment.

**Motion made by Nicholas Zeo to issue the enforcement order.**

**Seconded by David Cotter.**

**No further discussion – 7-0-0 – Motion Carries.**

**12. New/Old Business**

**a. Culvert Failures**

The Agent named off all of the street locations of places with culvert failures from a compiled list. All of the culverts will need to be re-routed and all will need emergency permits for the work to be done.

**b. LAND Grant Update**

The Agent thinks she got the Conservation Commission out of having to do the survey, but is still waiting for the response on that, which would be saving the Commission \$11,300. Therefore, the only outstanding tasks is the baseline boundary report. The reason why a survey quote is so expensive is because of how remote the location is. The Agent said it looks promising we won't need to get a survey.

**c. Trail Grant**

The Agent said that the Commission needs to move the poop bag station, clear out any remaining brush, fix the parking lot, order and spread out more stone, order seed mix for greenery, address and fix the any gazebo issues and build the handicap ramp for the gazebo as well. She spoke with the Building Inspector about a handicap accessible ramp and whoever does that can also install the joists that are missing from the gazebo as seen in the building plans. The Agent said we will wait six months to stain it because it's freshly new and water sealing. The gazebo people didn't install the benches properly either because they are not wide enough as well as forgot the ceiling joists. The ConCom will have to build a fence and assemble the kiosk too. The Agent needs to calculate the square footage for the greenery area, so that she can order the proper amount of seed mix. The Conservation Commission is in agreement that it is a good idea to purchase trail cameras and surveillance signage to prevent any further or worse damaging vandalism from happening to the brand new gazebo on site.

**Motion made by Dorothy Lawrence to purchase trail cameras.**

**Seconded by Brenda Cole.**

**No further discussion – 7-0-0 – Motion Carries**

**d. FEMA HMPG Grant Update**

The Agent said that the deadline was extended from April 4 to June 4. She added that this grant is related to the culvert replacement that has been planned for the culvert located on RT-181. The cost benefit analysis ended up projecting an expected loss and she thinks the reason why there was a magnitude of loss determined from the estimate is because there is not good record keeping at DPW. The Agent explained that when they do their repairs they sometimes use things already in the yard and recycle and reuse those things, so therefore there are no receipts or cost records associated with it any of those types of salvaged repairs. Then again, the Agent said, it's unrealistic to expect everyone to record every little thing that they are doing at all times.

**e. Three Rivers River Clean Up Saturday 4/27/2019**

Free t-shirts and free pizza for lunch. Arbor Day will be afterwards at 1:00 pm outside of Town Hall.

**f. TRACK Saturday 5/4/2019**

The ConCom needs to divvy up the hours for the ConCom tent. Set up, tent, and break down shifts. David Cotter to bring pop up tent and garden hose for the kiddie pool duck matching game.

8:00 am – 10:00 am: Angela and Jeff

10:00 am – 12:00 pm: Donald and Dorothy

12:00 pm – 2:00 pm: Brenda and Nicholas

2:00: pm – 4:00 pm: David

**g. Rain Barrel/Compost Machine Friday 6/7/2019**

Joint rain barrel and compost bin program with the Town of Belchertown ConCom. Pick up event will be at First Street in Bondsville from 5:00 pm – 8:00 pm. The Agent said that we are trying to make an event out of this as well, therefore more details and information on that to come. First 50 residents who purchase the compost bin can get it at subsidized pricing for \$25 and any orders after that pay full price.

**13. Office Closed**

**14. Set Next Meeting Date:** Tuesday, May 7, 2019 at 6:30 pm.

**15. Meeting Adjourned:** 10:29 PM

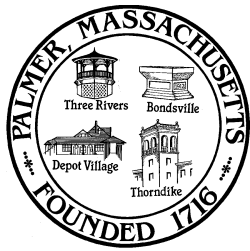
**Motion made by Dorothy Lawrence to adjourn at 10:29 PM.**

**Motion was seconded by Brenda Cole.**

**No further discussion – 7-0-0 – Motion Carries.**

Sincerely Submitted,

Jeff Stanhope  
Palmer Conservation Assistant



# TOWN OF PALMER CONSERVATION COMMISSION

## Meeting Documents

Tuesday, April 23, 2019 – 6:30 PM

**LOCATION: Town Administrative Building Meeting Room**

Donald Blais, Chair  
David Cotter, Vice Chair  
Peter Izyk  
Nicholas Zeo  
Brenda Cole  
Dorothy Lawrence  
Mike Swiatek  
  
Angela Panaccione, Agent  
Sarah Fortune, Assistant

The following is a list of documents used at the above-mentioned meeting, in addition to those included in the agenda packet which is part of the official record of the meeting:

Number	Description	Agenda Item	Notes
1.	Approval of Meeting Minutes: 2/5/2019, 4/2/2019	Approval of Meeting Minutes	Retained in 2019 Minutes binder in office
2.	Offer of Land Donation: Sykes Street (Map 18-1, 18-2-1, 18-18)	Review Mail/Phone Messages	Retained in Sykes Street Land Donation file in office
3.	National Grid: Notification of Utility Maintenance	Review Mail/Phone Messages	Retained in 2019 Mail
4.	MCR: Notification of Vegetation Management	Review Mail/Phone Messages	Retained in 2019 Mail
5.	NECR: Notification of Vegetation Management	Review Mail/Phone Messages	Retained in 2019 Mail
6.	Notice of Intent (NOI), site plans & associated documents: DEP # 256-0336; Forest Lake Seasonal Cottages – Off River Street & Forest Lake Road (Map 36-86, 31-1-1, 30-11-5)	Schedule of Public Meetings & Hearings	Retained in file for DEP # 256-0336
7.	Monitoring Reports: DEP # 256-0331; 271 Breckenridge Street (Map 19-60)	Project Monitoring	Retained in file for DEP # 256-0331
8.	Monitoring Reports: DEP # 256-0332; L12 Breckenridge Street (Map 7-12, 7-13, & 59-28)	Project Monitoring	Retained in file for DEP # 256-0332