



TOWN OF PALMER CONSERVATION COMMISSION

Donald Blais, Chair
David Cotter, Vice Chair
Peter Izyk
Nicholas Zeo
Brenda Cole

Meeting Minutes

Tuesday, April 3rd, 2018 – 6:30 PM

Angela Panaccione, Agent

LOCATION: Town Administrative Building Meeting Room

Members Present: Donald Blais, Jr.
David Cotter
Peter Izyk
Nicholas Zeo
Brenda Cole
Angela Panaccione, Conservation Agents

Also Present: Peter Levesque, Wetlands Consultants Inc
Steve Aldrich, Hampden Homebuyers

1. **Call to Order:** 6:30 PM – Donald Blais, Jr (Chair)
2. **Chair, Member & Committee Reports:** None
 - a. **Dumping at Midura:** The Agent was informed by Amber that someone had dumped a TV and a vacuum in the Midura Parking Lot. The Agent contacted Palmer DPW, who responded immediately and removed the items. Amber is also interested in leading a clean-up of Midura on Earth Day, as part of the Keep Palmer Clean event. Amber will reach out to frequent users to inform them of the event. It will begin at 9am.
 - b. **Community Wood Banking:** Brenda Cole expressed interest in the Commission looking into starting a community wood bank in town, and possibly requesting donations of fire wood from the Solar developers. A wood bank is a program that aims to help community members with life essentials by supplying firewood at little to no cost to those in need that rely on firewood as a heating source. The Agent will look into the feasibility of establishing a local wood bank and will report back to the Commission at the next scheduled meeting.
3. **Review Phone/Mail/Email Messages:** None
4. **Public Inquiries:** None
5. **Approval of Minutes:**
 - a. March 6, 2018
Motion made by Brenda Cole to approve the minutes from March 6, 2018 as amended
Motion seconded by David Cotter
No further discussion – 5-0-0 – Motion Carries
 - b. March 20, 2018
Motion made by David Cotter to approve the minutes from March 20, 2018 as amended
Motion seconded by Nicholas Zeo
No further discussion – 5-0-0 – Motion Carries

6. **Approval of Payables:**

a) Mileage Payable – Angela Panaccione

Motion made by Peter Izyk to approve mileage reimbursement payable to Angela Panaccione, in the amount of \$216.91, for March 2018

Motion seconded by Nicholas Zeo

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

7. **Signing of Documents (DOA, OOC, COC, Ext, Etc.):**

a) Order of Conditions DEP #256-0324: Belchertown Land Trust – Upper Bondsville Dam Repairs

Motion made by Nicholas Zeo to issue the Order of Conditions for DEP #256-0324: Belchertown Land Trust – Upper Bondsville Dam Repairs; with Findings of Facts & Special Conditions

Motion seconded by David Cotter

Further Discussion: Donald Blais does not like 11th hour changes, now Palmer does not get anything

Nick Zeo: Historic issues of liability seen why they changed it

Dave Cotter: Public does benefit just by getting around the dam

Peter Izyk: Opinion is portage is frosting on the cake, real issue is fixing the dam. Benefit the river keeping upper part river as it is.

Agent: BLT willing to reestablish hydrologic connection of canal to Swift River to restore flow and alleviate mosquito problems.

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

8. **Schedule of Public Hearings:**

a. Request for Determination (RDA): 19 West Ware Street (Map 44 Lot 5) – Septic Replacement: The applicant is requesting a determination to see if the work associated with the installation of a replacement septic system is subject to the Wetland Protection Act and the Town of Palmer Wetlands Ordinance.

Wetlands Consultant Peter Levesque & property owner Steve Aldrich were present for the hearing.

The subject site consists of a 2.40-acre parcel of land improved with a single-family home, well, septic system, driveway, deck and aboveground swimming pool, and is located on the westerly side of West Ware Street. A seep originated intermittent stream bordered by sparse hydrophytic vegetation is located within the easterly portion of the site with the stream flowing southerly parallel to West Ware Road. The topography on-site slopes up moderately from West Ware Street to the developed portion of the site. Properties immediately abutting the site consist of residences to the north, south and east with undeveloped land to the west.

Prior to conducting the wetland delineation, available soil, topographic, ortho, habitat, and flood plain maps were reviewed. The delineation conducted incorporated the fifty-percent or more of hydrophytic vegetation and indicators of hydrology criterion cited in the MA Wetland Protection Act (WPA). The delineation methods cited in the manuals, Delineating Bordering Vegetated Wetlands Under the Massachusetts Wetlands Protection Act, the 1987 Corps of Engineers Wetlands Delineation Manual, and the April 2004 version 3 of Field Indicators for Identifying Hydric Soils in New England were also employed. Hand soil borings were not necessary to confirm the wetland delineation do to a very abrupt change in slope. Further, the wetland area is covered with boulders making borings impossible to perform.

The WPA indicates that BVWs are areas that contain 50% or more of hydrophytic vegetation and indicators of hydrology and are hydraulically connected to, or border on a Pond, Bank of a stream, or another BVW. The on-site BVW was delineated in the field with sequentially numbered blue flags,

which have been depicted on the enclosed plan as W1 – W3 and A1 – A3. The BVW resource area was delineated by vegetation, topography and hydrology. BVWs are jurisdictional under the WPA and the Town of Palmer Wetland Bylaw (Bylaw) and are subject to a 100-foot buffer zone.

The wetland exists within the easterly portion of the site, and consists of an intermittent stream, which, originates from a seep and is bordered by hydrophytic vegetation. Based on vegetation and evidence of hydrology the area is considered a BVW. The intermittent stream flows southerly beneath the on-site driveway via a rock/boulder driveway sub-base to a southerly flowing, rocky intermittent stream and red maple – *Acer rubrum* wetland. Hydrology to the BVW is provided by precipitation, surficial runoff from the surrounding land, and seasonal high groundwater. Vegetation observed within the wetland consists primarily of red maple, cinnamon fern, white pine, sphagnum moss., white ash, yellow birch, red oak, black birch and multiflora rose.

Pursuant to the criteria for identifying perennial streams under the Rivers Protection Act no perennial streams were depicted on the Palmer USGS map within 200-feet of the site.

Hydrology is provided to the wetland resource area by precipitation, surficial runoff from the surrounding land, and seasonal high groundwater.

According to the 2017 Edition of the Massachusetts Natural Heritage Atlas, the site does not fall within estimated and priority habitat of the Massachusetts Natural Heritage and Endangered Species Program (NHESP).

According to the MA GIS Flood Insurance Rate Map overlays the site does not fall within the 100-year and 500-year flood plains. See Figure 4 for the Flood Plain Map.

The proposed work consists of the replacement of a failed subsurface septic system in compliance with the MA Title 5 regulations. Ms. Lorri McCool, R.S. designed the replacement system and prepared the site plan. All work is proposed outside of the 100-foot wetland buffer zone however; access and a material staging area will be located within the 100-foot buffer zone. A siltation fence is proposed between the wetland and the driveway, access area and material staging area. See Appendix C for Site Plans.

Potential erosion and sedimentation are important concerns based on the proximity of work to the wetland. Erosion control barriers consisting of entrenched siltation fencing will remain in place between the wetland and all access and work areas until approval from the Commission to remove them has been obtained. The siltation fence / limit of work line has been depicted on the enclosed plan. All bare earth shall be loamed and seeded as soon as possible.

General Project Construction Sequence:

1. Stake by survey the limits of the septic system.
2. Install erosion controls per the approved site plan.
3. Excavate for the new septic system.
4. Install the new septic system.
5. Establish a vegetative cover on all exposed soil immediately upon completing grading.

General Construction Performance Standards: The following performance standards shall serve as limits for revisions, which will not require Conservation Commission review:

1. No alteration to wetland resource areas shall occur.
2. All approved activity shall employ at a minimum the erosion control precautions shown on the plans. The on-site contractor shall employ additional erosion controls as required to prevent sedimentation.

3. The on-site supervisor shall be authorized to request additional erosion control measures, as he or she deems necessary to ensure the protection of all identified resource areas

Peter Izyk asked when house first constructed. Steve Aldrich said it was built in the early 1980's as part of a RJ Fijol ANR.

Motion made by Peter Izyk to close the Public Hearing

Motion was seconded by David Cotter

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

Motion made by Peter Izyk that the proposed subsurface sewage disposal system (SSDS), fully complies with Wetlands Program Policy 86-1: Presumptions for Subsurface Sewage Disposal Systems That Meet Title 5 or More Stringent Local Board of Health Requirements (MassDEP-Revised March 1, 1995); and thus fully meets the presumption at 310 CMR 10.03(3), for the “discharge from a sewage disposal system”.

Motion was seconded by David Cotter

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

Motion made by Peter Izyk that the construction of the proposed subsurface sewage disposal system (SSDS) is located entirely within previously disturbed ground within the Buffer Zone and will not alter adjacent Resource Areas

Motion was seconded by David Cotter

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

Motion made by Peter Izyk that, with the use of proper erosion and sedimentation controls, the construction of the proposed subsurface sewage disposal system (SSDS) will not alter adjacent Resource Areas.

Motion was seconded by David Cotter

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

Motion by Brenda Cole to make a negative determination (3), finding that the work described in the Request is within the Buffer Zone, as defined by the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent subject to the following conditions:

1. Prior to any activity on site, the limit of work shall be clearly marked with erosion control, construction fencing, stakes or flags, and shall be confirmed by the Commission or its agent. Such markers shall be checked and replaced as necessary and shall be maintained until all construction is complete. Workers shall be informed that no use of machinery, storage of machinery or materials, stockpiling of soil, or construction activity is to occur beyond this line at any time.
2. The applicant shall notify the Conservation Commission at least 48 hours prior to any activity on the site and shall provide the name(s) and telephone number(s) of all person(s) responsible for compliance with this Determination.
3. Siltation barriers and erosion controls shall be installed according to the site plan entitled Town of Palmer SAS Repair 19 West Ware Street; Prepared by Lorrie McCool, R.S. Dated 11-30-17 revised 3-9-18. Scale 1" = 30'; and shall remain in place until all disturbed areas are re-vegetated and stabilized.
4. All Erosion control measures shall be inspected cleaned or replaced during construction and shall remain in place until stabilization of all areas that may impact resource areas is permanent. These devices shall also be inspected to assure that the maximum control has been provided, and maintained or reinforced as necessary. Any entrapped silt shall be removed to an area outside the buffer zone and resource areas, and maintained or reinforced as necessary.

5. The applicant shall immediately control or correct any erosion problems that occur at the site and shall immediately notify the Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary.
6. Only upon completion of this project, *and* when The Commission and/or its Agent is assured that there is complete stabilization of all areas, shall erosion control measures be removed.
7. All exposed soils and other fills shall be permanently stabilized at the earliest practicable date. Excavated areas and stockpiled material shall be located at the furthest possible distance from all resource areas to prevent erosion into wetland areas. Material shall be removed from the site shall be properly disposed of per all local, state and federal regulations.
8. All top soil stock pile areas will be protected by silt fence armored with straw bales or equivalent.
9. A detailed method of dewatering shall be submitted to the Commission prior to work. Proper best management practices are required to adequately treat any water from dewatering procedures; and dewatering discharge will not be directed toward wetland resource areas.
10. Site grading and construction shall be scheduled to avoid periods of high surface water. Once begun, grading and construction shall continue in an expeditious manner to minimize the opportunity for erosion.
11. All disturbed areas, slopes and proposed landscape areas shall be loamed and seeded or stabilized through the use of erosion control blankets or other approved means. All disturbed areas will be graded, loamed and seeded prior to November 1 of each year, if possible. No disturbed areas or stockpiled material will be left unprotected or without erosion controls during the winter.
12. Loaming and seeding will occur within (5 - 30) days of final grading. Barren areas should be stabilized by seeding if work on the project is interrupted for more than 90 days, unless the 90 days are in the winter. If this condition should occur, the applicant shall request a determination from the Commission as to whether seeding or an alternative measure should be conducted.
13. The seed stock to be used to restore disturbed areas shall complement or contain native flora and be of proven value to local wildlife.
14. The contractor shall be provided a copy of this Determination, and the Conservation Commission shall be notified of the name, address, phone number, and the contact person of the contractor.

Motion was seconded by Nicholas Zeo

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

- b) (RDA) 271 Breckenridge Street (Map 19 Lots 60, 61 & 62) – Borrego Solar: The applicant has submitted a Request for Determination to confirm the precise boundaries of jurisdictional resource areas delineated at 271 Breckenridge Street and to determine if the work associated with the installation of a 6.4 MW Solar Array is subject to the WPA & PWO.

Steve Long, of Borrego Solar has request the Commission continue the RDA process, as well as the NOI process based on changes to the site plans. The amount of tree clearing has been reduced by approximately nine (9) acres and a much larger buffer to wetland resource areas has been established so only the access road has potential jurisdiction now.

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

Motion made by Nicholas Zeo to continue the Public Hearing until Tuesday April 17, 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. 96 Rondeau Road: Peter said he would get out by end of week to complete delineations. He will have existing conditions plan by May 1st
- b. 1 Aspen Circle: The Agent has yet to schedule a site visit

11. New/Old Business

- a. Administration of 2017 MA Trails Grant: SCA Scheduling, Etc: May 3rd site AmeriCorps to Fort River w/ Andy French is going to be rescheduled, but there is no certain date/time yet.
- b. 2018 604(b) Grant Application – Forest Lake: The Agent has submitted the 604(b) grant application to MADEP.
- 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. Stakeholder Interviews – 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 May 3, 2018 is to interview the stakeholder from the map we developed previously.
1. C4R Bacteria sampling 2018 support: The Commission will fund 3 sites again this year for E Coli sampling. C4R has expanded the testing to 7 events, June-September. The cost will be \$200/site, and the Commission will sponsor Swift River off First Street, Ware River off Bennett Street and the Ware/Swift River by Argo Movers in Three Rivers. The monitoring is part of an annual program aimed at providing watershed residents and visitors with practical information concerning the health of our local rivers. The data collected is determined to be of reliable quality and consistent with state standards for water quality monitoring and results are posted regularly online.

Motion made by Brenda Cole to support three sites, at \$200/each, for a total of \$600 for the 2018 C4R bacteria sampling

Motion was seconded by Nicholas Zeo

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

13. Upcoming Events, Conferences & Trainings

- a. 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.
- b. 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.
- c. MACC/MassDEP Wetlands Program Staff Joint Workshop: A joint workshop is re-scheduled for Thursday April 19, 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. Please register at the MACC website if you plan to attend

- d. **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.

Site Visit Schedule:

a) Friday April 13, 2018

- 10:00am: DEP #256-0329 358 Shearer Street
- 2:00pm: DEP #256-0331 271 Breckenridge Street

b) Friday April 27, 2018

- 10:00am: DEP #256-0312 Lot 2 Boston Road

14. Office Closed: Wednesday April 27, 2018, Wednesday May 2 -Monday May 7

15. Set Next Meeting Date: Tuesday April 17, 2018 @ 6:30pm

16. Meeting adjourned: 8:00 PM

Motion made by Dave Cotter to adjourn at 8:00 PM

Motion was seconded by Peter Izyk

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, April 3rd, 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) | Email from Amber Re: Dumping in Midura; dated 4/1/2018 | Review Phone/Mail/Email Messages | Midura Conservation Land Binder |
| 5(a) | Meeting Minutes: 3/6/2018 | Approval of Minutes | FY 18 Minutes Binder |
| 5(b) | Meeting Minutes: 3/20/2018 | Approval of Minutes | FY 18 Minutes Binder |
| 6(a) | Invoice Angela Panaccione – Mileage March 2018 | Approval of Payables | FY 18 Payables Folder |
| 7(a) | WPA Form 5: Order of Conditions DEP #256-0324 – Upper Bondsville Dam Repairs; Signed, issued & dated 4/3/2018 | Signing of Documents | DEP #256-0324 File Folder |
| 7(a) | Findings of Facts for DEP #256-0324 – Upper Bondsville Dam Repairs; Prepared by Angela Panaccione; Dated 4/3/2018 | Signing of Documents | DEP #256-0324 File Folder |
| 7(a) | Special Conditions for DEP #256-0324 – Upper Bondsville Dam Repairs; Prepared by Angela Panaccione; dated 4/3/2018 | Signing of Documents | DEP #256-0324 File Folder |
| 8(a) | WPA Form 1: Request for Determination of Applicability (RDA) – 19 West Ware Street; prepared by Wetlands Consultants, Inc; dated 3/12/2018 | Schedule of Public Hearings | RDA: 19 West Ware Street File Folder |
| 8(a) | RDA Narrative – 19 West Ware Street (WCI Job Number 18-008); prepared by Wetlands Consultants, Inc; dated 3/12/2018 | Schedule of Public Hearings | RDA: 19 West Ware Street File Folder |
| 8(a) | Town of Palmer SAS Repair 19 West Ware Street. Prepared by Lorrie McCool, R.S. Dated 11/30/2017 revised 3/9/2018; Scale 1" = 30' | Schedule of Public Hearings | RDA: 19 West Ware Street File Folder |
| 8(a) | Figures 1-4 (Job # 18-008): 1) NHESP PH Map, 2) MAGIS 2014-16 Colored Orthophoto 3) MAGIS Soils Map & 4) MAGIS FEMA Flood Plain Map; Prepared by Wetlands Consultants, Inc; dated 3/9/2018 | Schedule of Public Hearings | RDA: 19 West Ware Street File Folder |
| 8(a) | Site Photos (Job # 18-008) 19 West Ware Street. Prepared by Wetlands Consultants, Inc; dated 3/6/2018 | Schedule of Public Hearings | RDA: 19 West Ware Street File Folder |

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|-------|---|-----------------------------|--|
| 8(a) | WPA Form 2: Determination of Applicability (RDA) – 19 West Ware Street; Signed, issued & dated 4/3/2018 | Schedule of Public Hearings | RDA: 19 West Ware Street File Folder |
| 8(a) | Special Conditions – 19 West Ware Street; Prepared by Angela Panaccione; Dated 4/3/2018 | Schedule of Public Hearings | RDA: 19 West Ware Street File Folder |
| 8(b) | WPA Form 1 – Request for Determination of Applicability 271 Breckenridge Street; dated 12/8/2017 | Schedule of Public Hearings | 271 Breckenridge RDA File Folder |
| 8(b) | Stormwater Management Report 271 Breckenridge Street; prepared by Borrego Solar Systems Inc; dated 12/8/2017 | Schedule of Public Hearings | 271 Breckenridge RDA File Folder |
| 8(b) | Wetlands Delineation Report 271 Breckenridge Street, Palmer, MA, prepared by SWAC Environmental Consultants, Inc., dated 10/5/2017; Revised 1/23/2018 | Schedule of Public Hearings | 271 Breckenridge RDA File Folder |
| 8(b) | Wetland Determination Data Forms and Site Photographs, prepared by SWAC Environmental Consultants, Inc., dated 7/26/2017 | Schedule of Public Hearings | 271 Breckenridge RDA File Folder |
| 8(b) | 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 | 271 Breckenridge RDA File Folder |
| 8(b) | Stormwater Management Report 271 Breckenridge Street; prepared by Borrego Solar Systems Inc; dated 12/8/2017 | Schedule of Public Hearings | DEP #256-0330 File Folder |
| 11(b) | 2018 604(b) Watershed Assessment Grant Application – Forest Lake | New/Old Business | 2018 604(b) Grant File |
| 11(c) | 2018 MA DER Culvert Replacement Grant Application – Thorndike Street | New/Old Business | 2018 MA DER Culvert Replacement Grant File |