



TOWN OF PALMER CONSERVATION COMMISSION

Palmer Town Building
4417 Main Street
Palmer, Massachusetts 01069

conservation@townofpalmer.com

Robert Ring, Chair
Donald Duffy, Vice Chair
Peter Izyk
Dennis Cote
Tharyn Nein-Large
Sean O'Donnell
Sarah Brodeur

Agent: Angela Panaccione

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

MEETING MINUTES

TUESDAY APRIL 7, 2015 @ 7:00 PM

Members Present: Robert Ring (Chair)
Donald Duffy (Vice Chair)
Tharyn Nein-Large
Dennis Cote
Peter Izyk
Angela Panaccione (Agent)

Members Absent: Sarah Brodeur
Sean O'Donnell

Also Present: Lisle Donaldson, 209 Summer Street
Peter Balicki, 209 Summer Street
Robert Levite, Attorney
Whitney Beals, New England Forestry Foundation

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

7:00 PM Conservation Restriction: Donaldson Family Limited Partnership

Lisle Donaldson & Peter Balicki, of 209 Summer Street attended tonight's meeting with Attorney Bob Levite and Whitney Beals, of New England Forestry Foundation (NEFF) to present a Conservation Restriction (CR) for 97.1 acres along the Ware River, from Summer Street to Hill Street. The property is predominately forest land with important natural resources, including productive soils, diverse wildlife and plant habitat, natural watercourses, and scenic and open space values. Over 3,000 linear feet of the bank of the Ware River will be preserved under this CR, protecting the shoreline of the Ware River from additional development and from further degradation of water quality. The property will also be used for scientific and educational purposes aimed at increasing the public's understanding of sustainable forest management and watershed protection.

The CR is part of a settlement agreement from the toxic spill that occurred off Water Street in 2008. NEFF will hold the CR and monitor it accordingly. The CR will allow for sustainable forestry to occur and will provide long-term environmental and economic benefits, including, sustainable production of timber and wood products. Pre-existing trails on the Property shall be maintained and shall be accessible

to the public at the discretion of the property owner. Currently, there is an issue with illegal ATV use of the property.

The CR will also add to previously protected lands in Palmer; enhances the magnitude and effect of Palmer's conservation and protected open space and watershed properties and will enhance the conservation values of adjacent conservation land on the east bank of the Ware River owned by the Town of Palmer (9 acres off River Road).

The protection of the Property will advance the goals and objectives of Palmer's 2014 Open Space and Recreation Plan, Goal 1) Preserve sensitive conservation areas and agricultural Property; Goal 2) Protect water resources and promote appropriate use of them; Goal 3) Preserve and manage open space lands, archaeological treasures, and scenic views for conservation and recreational purposes and Goal 4) Protect significant plant and wildlife habitats, endangered organisms, and wildlife corridors

The Next steps include:

1. Commission endorses the CR
2. Agent drafts the Municipal Certification for the CR and the Commission signs it
3. The Municipal Certification is sent to NEFF, and is included as part of the CR application sent to the State
4. The Town Council accepts the CR and signs the CR

Donald Duffy stated he loves the idea and is glad the project is finally coming to a close. The CR is the perfect mitigation for the river and is a great use of the property.

Motion made by Donald Duffy to endorse the Conservation Restriction

Motion seconded by Peter Izyk

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

7:29 PM Notice of Intent DEP# 256-0308: 24 Third Street – Sherwood Lumber, Rail Siding

A Notice of Intent submitted by Greenman-Pedersen, Inc c/o Sherwood Lumber Corporation/ Prime Distribution Services for the proposed redevelopment of the Sherwood Lumber Facility located at 24 Third Street, Palmer MA. The proposed project of a railroad siding through several parcels owned by the company at the end of Third Street in order to accommodate the installing of a 2,700 foot long railroad siding connecting to and extending from the New England Central Railroad spur across the Third Street Right-of-way and into the Sherwood Lumber property to the South and all associated infrastructure. The project also calls for the installation of a 150' wide swath of pavement paralleling the railroad spur in the southern parcel of the site. The location of the proposed project 24 Third Street, Palmer, MA 01069, and is also known as: Map 28: Lot 28, 29, 31 & 34; Map 34: Lot 2.

The applicant requested a continuance until the next meeting to allow VHB to conduct their third party review.

Motion made by Donald Duffy to continue the Public Hearing until April 21, 2015 at 7:00 pm

Motion seconded by Peter Izyk

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

7:31 PM Notice of Intent: Lot 2 Boston Rd – Renewable Generation, LLC; Solar Array

A Notice of Intent submitted by Sherman & Frydryk, LLC c/o of Renewable Generation, LLC for the installation of a large scale ground mounted solar array. The proposed solar array will require 50,570 SF of disturbance within the 100-foot wetland buffer zone. The location of the proposed project is Lot 2, Boston Road (Route 67) and is also known as: Map 3-6-1.

There is an active Enforcement Order on the property and DEP is withholding the file number until the outstanding violations are resolved. There was significant clearing of the land and an intermittent stream in 2012.

The Agent & Tharyn Nein-Large conducted a site visit today to review site and the proposed restoration plan. The draft restoration plan focused mainly on revegetating the area with white pines and seed mix. The Agent and Nein-Large conducted an inventory of plants on site and developed a list of additional plants for the Commission to review. The recommendation of the Agent and Nein-Large was to replace 75% of the white pines with other species found on site such as oaks, birch and aspen. They also recommended including a shrub and sedge layer as well to the restoration plantings.

The Agent will send the recommendations to Pete Leveque for inclusion into the restoration plan. The Agent will also request the specs for the erosion control blankets proposed for use on site. Specifically, what the blanket is composed of, how it is installed and where it is from.

Motion made by Donald Duffy to continue the Public Hearing until April 21, 2015 at 7:00 pm

Motion seconded by Peter Izyk

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

7:48 PM Administrative Matters: Minute Approval – March 17, 2015

Motion made by Dennis Cote to accept the minutes from Tuesday, March 17, 2015

Motion seconded by Tharyn Nein-Large

No further discussion – vote taken: 4-0-1 (Donald Duffy Abstains)

7:52 PM Administrative Matters: Mileage Payable \$108.45

Motion made by Peter Izyk to approve the Mileage payable to Angela Panaccione in the amount of \$108.45, for the Agents site visits in March

Motion seconded by Dennis Cote

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

7:53 PM Administrative Matters: Other Projects, Monitoring, Enforcements and Violations

1. Updating Wetlands Regulations & Fee Structure: The Agent drafted revised wetlands regulations to coincide with the amended 2013 Wetlands Ordinance. Several off the sections of the old regulations are outdated and no longer applicable. The Commission will review the regulations and a new proposed fee schedule, and discussion will continue in May or June. Upon the Commission agreement of the new regulations, a public hearing will be scheduled for the adoption of said regulations.
2. PMP Utility Installation: National Grid will be submitting an RDA for utility installation at Palmer Motorsports Park. The Agent met National Grid on site to discuss the project. The work

will be the removal of three structures, the relocation of one further away from resource areas and the addition of a new structure to connect the line

3. 54 French Drive: There is still an outstanding violation at 54 French Drive. Mr. Cooper has two outstanding citations from 9/17/2012 & 9/5/2013; both for \$300/day for the violations. The Commission never received the as built from Roger Woods, as required by the final Enforcement Order. When the Commission receives the recorded order all fines/penalties previously issued against Mr. Cooper will be lifted.

Motion made by Donald Duffy to send a letter to the Coopers requesting the as built site plan by May 5, 2015 or the Commission will seek further action

Motion seconded by Dennis Cote

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

4. 66 Peterson Road: The Commission will conduct a site visit at 5pm on Tuesday April 21, 2015 to review what work has been completed under the required restoration/enforcement order.
5. O’Connells: The Agent conducted a pre-activity meeting at O’Connells for the gas tank replacement. All erosion & sediment controls were installed according to the plans and the Agent approved work to begin.
6. Christine Beauregard Letter: The Commission reviewed a letter from Christine Beauregard about concerns with flooding at 124 South High Street. There is now flooding on the pond side of her front lawn, where flooding has never happened before. Her main conservation concern is the impacts of the flooding on the nesting habitat for the painted turtle in Lilly Pond. In her email she states “Flooding will soon compromise the turtle's ability to lay eggs here (more information is available on this subject if you need it).” The Commission does not see a direct correlation between the flooding and turtle nesting in this area.
7. Request for a Certificate of Compliance – 2 Pioneer Road: The Commission received an inquiry about a Certificate of Compliance for 2 Pioneer Road. The Order of Conditions was for the entire subdivision. The Agent conducted a site inspection and determined there are no jurisdictional resource areas on this particular parcel. She will instruct the owner to submit form 8A, so the Commission can proceed with issuing the COC.

Next Meeting Date: Tuesday April 21, 2015 at 7pm

Meeting Adjourned: 8:45 PM

Motion made by Dennis Cote to adjourn at 8:45 pm

Motion seconded by Peter Izyk

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

Sincerely Submitted,
Angela C Panaccione, Conservation Agent