



TOWN OF PALMER CONSERVATION COMMISSION

Meeting Minutes

Tuesday, May 1st, 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 Agent

Also Present: Paul Les, Brenton Estates
Jack Messing, 96 Rondeau Rd
Heide Messing, 96 Rondeau Rd
Jarred King, 96 Rondeau Rd
Justin Kasunich, Nexamp
Ethan Gyles, Nexamp
Donald Frydryk, Sherman & Frydeyk
Peter Levesque, Wetland Constants, Inc

1. **Call to Order:** 6:40 PM – Donald Blais, Jr (Chair)
2. **Chair, Member & Committee Reports:** None
3. **Review Phone/Mail/Email Messages:**
 - a. **Request for Comments Special Permit – Water Supply Protection District: L12 Breckenridge St (Map 7 Lots 12 & 13):** The Commissions discussed the proposed project and their concerns/recommendations to be sent to the Planning Board are as follows:
 1. Coldwater fisheries resources are highly susceptible to changes in water quality and/or quantity such as siltation and run-off, water level fluctuations, loss of riparian habitat, stream fragmentation and alterations of the temperature regime. Additionally, surveys conducted by the Division of Fisheries and Wildlife have shown the importance of coldwater tributaries in helping maintain the coldwater status of their receiving waters. Therefore, the project must not in any way diminish the ability of the brook to support coldwater fish species.

Per DEP's stormwater management standards for critical areas such as coldwater fisheries resources, BMPs are required that assure no untreated or warmwater runoff from impervious surfaces directly enters these resources. Recent studies have shown that stormwater BMPs that allow standing, surface water function as "heat sinks" in summer and lose heat in winter. As such, retention and detention ponds, vegetated swales and hydrodynamic separators have little value as stormwater BMPs in the vicinity of coldwater resources.

Please note in the current Stormwater Report the Applicant states the site does not contribute stormwater to a critical area. Both Standard 4 & 6 should be revised to reflect the critical areas of both a CFR and a OWR.
 2. The Massachusetts Drinking Water Regulations, 310 CMR 22.21(1) and 22.21(3)(b), require activities in the Zone I to be limited to those directly related to the provision of public drinking water or that will have no significant adverse impact on water quality. Lands that are under the control of public water systems have been identified as the most critical to protect public drinking water reservoirs and wells. In addition, these lands may be the future sites for new or replacement public water system sources and this should be taken into account when

permitting Solar in a Zone I. The Commission recommend the applicant provide a narrative detailing how the land clearing will have no significant adverse impact on water quality

3. The Conservation Commission would like to know how the proposed project has been designed to capture and treat stormwater from the proposed project; provide groundwater recharge to the greatest extent practicable in conformance with the MassDEP groundwater recharge criteria, and what efforts are being made to control soil erosion and sedimentation, soil compaction during construction and minimize runoff from the post-developed conditions at the site.
4. Since the stormwater discharges are within an Aquifer protection Zone, the Commission would recommend the use of specific source controls and pollution prevention measures specified for critical area discharges. Stormwater systems that have been found to be most protective of these resources are subsurface, infiltration, gravel wetland and bioretention. Ideally, a chain of coldwater BMPs (e.g., bioretention to gravel wetland to an infiltration system) with deep infiltration and filtration capabilities will cool the stormwater to ground temperature in both summer and winter thereby providing the most effective long-term protection of the coldwater resources. The current Stormwater Management Plan as submitted for review does not clearly identify the critical areas on or near the site.
5. The Commission would recommend the applicant apply the principles of Environmentally Sensitive Site Design and Low Impact Development (LID) Techniques (310 CMR 10.04) in the design and monitoring of stormwater controls (during both construction and post-construction); as specified in MADEP Solar Policy 17-1.
6. As specified in MADEP Solar Policy 17-1: The Stormwater Management Standards contained at 310 CMR 10.05(6)(k) apply to PVS projects. The stormwater standards include: attenuation of peak rates of runoff caused by land development (310 CMR 10.05(6)(k)2), provision of recharge (310 CMR 10.05(6)(k)3), control of Total Suspended Solids (TSS) from impervious surfaces (excluding solar panels) (310 CMR 10.05(6)(k)4), and the provision of adequate erosion and sedimentation controls (310 CMR 10.05(6)(k)8).
 - Solar projects within the Buffer Zone or other jurisdictional area should endeavor to utilize Low Impact Development techniques and will receive credit for Environmentally Sensitive Site Design when LID is incorporated pursuant to the “Minimum Criteria for Credit” from Volume 3, Chapter 1 of the Massachusetts Stormwater Handbook.
 - DEP recommends the measures below to control the peak runoff rate, provide recharge, and treat TSS, provided the following are also met (note: the Applicant may provide documentation for consideration demonstrating that the peak rate of runoff, recharge, and TSS treatment requirements are still met in cases where the factors below are not met):
 - slopes on which the PVS arrays are placed are not greater than 3:1 (18o or 33.5% slope), naturally or as graded;
 - an erosion control plan is developed and implemented which prevents direct discharges to wetlands and which grade the project site to avoid or minimize channelized stormwater flow from the Buffer Zone directly into wetland resource areas;
 - land disturbance and grading is conducted in a phased and selective manner (i.e. avoid, if possible, or minimize clearing the entire site at one time in order to minimize soil mobilization and the amount of soil exposure at any one time to reduce construction period runoff), or other appropriate construction best management practices are incorporated to preclude construction period runoff/erosion. Provide temporary land stabilization measures for all disturbed surfaces such as mulching until permanent native vegetative cover is established, and utilize temporary sedimentation basins as appropriate
 - construction and post-construction phase stormwater management plans include sub-catchments under the PVS arrays which include stormwater BMPs such as infiltration trenches, water bar/log bars, and natural vegetative cover consisting solely of native grass and plant species (note: the extent of stormwater BMPs required will depend largely on the existing cover type as compared to the proposed cover type. In some instances, BMPs may not be necessary, where the proposed cover type represents an improvement over existing conditions);
 - top soil is preserved or supplemented sufficient to maintain vegetation cover;
 - solar panel rows are spaced in a manner to allow sunlight penetration sufficient to support vegetation between the solar panel rows;

- where panel rows follow the slope (i.e. the panel arrays are constructed down, rather than across, a slope) provide intermittent gaps between adjacent panels sufficient to accommodate anticipated runoff so that runoff occurs from individual panels rather than from the length of the entire array;
- panel drip edges (or leading edge of panels) are no greater than 10-feet above the ground surface;
- no conveyances or outfalls are constructed; and
- no work is proposed in a buffer zone of Resource Areas that borders a Critical Area, as defined at 314 CMR 9.02, or in the estimated habitat identified on the most recent Estimated Habitat Map of State Listed Rare Species prepared by the Natural Heritage and Endangered Species Program.

4. **Public Inquiries:** None

5. **Approval of Minutes:**

a. April 17, 2018

Motion made by Brenda Cole to table the approval of the minutes from April 17, 2018 to the next scheduled meeting on May 15, 2018

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 \$312.83, for April 2018

Motion seconded by Nicholas Zeo

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

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

- a. MVP Grant: The Agent is applying for a grant from the Executive Office of Energy and Environmental Affairs (EEA) to become a Climate Change Municipal Vulnerability Preparedness (MVP) program municipality. Designation will be given to municipalities who complete a Community Resilience Building workshop process to prepare for the impacts of climate change and fulfill associated deliverables required to maintain designation status. Financial and technical assistance will be provided to allow municipalities to complete climate change vulnerability assessments and planning using the Community Resilience Building workshop guide (CRB), other planning tools, and climate change data. Municipalities who complete this process and develop a final report will be designated as an “MVP Community,” which leads to increased standing in other state grant programs, including MVP implementation grants.

The Agent has already completed the application and has collaborated with and received letters of support from:

- State Certified MVP Service Provider: Pioneer Valley Planning Commission (PVPC) – PVPC has been chosen by the Town of Palmer to serve as our MVP Service Provider based on history and our continued collaboration with the Regional Planning Agency. PVPC assisted the Town with our 2014 Open Space & Recreation Plan Update, our 2016 Hazardous Mitigation Plan update and a 2016-2019 Mass in Motion Grant. PVPC is very familiar with the Town and has worked well with our staff in the past.
- Charles Blanchard, Town Manager – Complete a contract with the Commonwealth and maintain copies/records of all necessary reports and paperwork
- Michael Marciniak, Planning Board Chair – Will disseminate information through town networks; will utilize results from Building Resilience workshop in future Town planning efforts, including Master Plan

- Linda Leduc, Town Planner & Economic Development Director – Will utilize results from Building Resilience workshop in adoption of energy efficiency practices among residents, assessment of renewable energy potential and future development efforts
- Donald Elliot, Emergency Management Director
- Gerald Skowronek, Director of Department of Public Works

A letter of support is still needed from the Conservation Commission; whose role will be to disseminate information through town networks; will utilize results from Building Resilience workshop in planning efforts and with town's future Open Space Plan Updates.

The Agent drafted the letter of support for the Commission to sign

Motion made by David Cotter to support Town Application to MVP and sign the letter of support

Motion seconded by Peter Izyk

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

- b. Issue Emergency Permit Mass DOT – RT-67 Flooding & Culvert Cleaning: Sediment from sources beyond the state highway (Solar Array) has filled & blocked a culvert carrying an unnamed stream under MA RT-67 in Palmer, severely limiting the culvert flow capacity. Immediate work is needed to protect public safety on Route 67 and alleviate the flooding. During rain events the flow stops, backs up and overtop the culvert and highway resulting in 4"+ flooding RT-67. The work to restore the hydraulic capacity of the culvert and prevent overtopping would be the removal of the deposited sediments within the culvert under RT-67 and within the SHLO, up to 25-feet from the inlet. Equipment to be used will include an small excavator & dump truck, worker and hand tool access, and jetting/suctioning equipment inside the culvert.

MassDOT is ordering the work and Paul Les will do the work. A site visit occurred with MA DOT on Friday 4/27/2018, and work will begin on 5/1/2018.

Special Conditions Include:

- 1) The limits of work shall be the area discussed and flagged in the field during the 4/27/2018 site visit.
2. The work undertaken will be minimized to the extent possible while still achieving the goals of flood control and pollution prevention.
3. Work will be scheduled to avoid periods of high groundwater or high flow rates.
4. Silts and sediments may be removed either by hand, by mechanical equipment (e.g., minimally invasive vehicles no larger than bobcats and 3-ton dump trucks), or by a suction line.
5. Vehicles shall be staged from the roadway through the buffer and wetlands using access routes that have the least impact to vegetation.
6. Care shall be taken to place any cut vegetation in a location away from the drainage channel.
7. Sediment and debris shall be removed from the site using a small dump truck and disposed of appropriately.
8. Excavation of sediments shall be limited to the historic limits of the swale or channel. Over-excavation beyond the bottom of the pipe or culvert will not be allowed.
9. Where evidence of scour or erosion is apparent, stone rip-rap may be added to shore up the earth and prevent further erosion.
10. Where evidence of scour or erosion is apparent at the end of a drainage pipe, a flared-end section of similar material may be installed to dissipate energy and prevent erosion.
11. Where evidence of excessive sedimentation from storm drains is apparent, a sediment forebay (and possibly a check-dam) may be constructed to prevent sediments from reaching resource areas in the future. This area would be vegetated appropriately and/or reinforced with stone rip-rap, turf-reinforcing mats, or similar methods.
12. There shall be no loss of wetland resource area or degradation of resource area values. Swales and stream channels shall not be paved. Natural stream banks shall not be replaced with man-made structures.

13. Vegetation removal will only be done where the vegetation interferes with the performance or maintenance of the drainage structure. Plant and tree roots will be left in place for erosion control and bank stabilization unless they would otherwise be removed along with sediments.
14. The PCC shall be notified within 48 hours of any work scheduled. This will enable the commissioners or staff to view each site and relay any additional concerns or requirements for work at that site.
15. Strawbales shall be used for sediment control in stream channels and swales where flowing water would otherwise transport sediments downstream during the maintenance operations. Strawbales shall be removed after work is complete so that they do not impede the flow of surface water.
16. Dewatering shall not be allowed without additional review and approval by the PCC.

Motion made by David Cotter to issue the Emergency Permit for MassDOT for MA RT-67

Motion seconded by Nicholas Zeo

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

8. Schedule of Public Hearings:

- a. 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 7:10pm.

The project as currently proposed is located outside of all resource areas and does not propose any buffer zone disturbance, but due to the Commissions 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.

Long submitted a revised plan with access road moved. He also submitted a request waiver for 50-foot NDZ. The Commission still required a dewatering plan for weird water hole by the driveway.

Steve Long could not attend tonight's meeting and has requested a continuance until Tuesday May 15, 2018

Motion made by David Cotter to continue the Public Hearing until Tuesday May 15, 2018 at 7:00pm

Motion was seconded by Nicholas Zeo

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

- b. Notice of Intent (NOI) DEP #256-0332: L12 Breckenridge Street (Map 7-12, 7-13 & 59-28) – NexAmp d.b.a Palmer Breckenridge Solar, LLC: 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.

Donald Blais Jr opened the Public hearing at 7:25pm

The Applicants Justin Kasunich & Ethan Giles, of NexAmp were present at the hearing as well as their consultant, Donald Frydryk, of Sherman & Frydryk and wetlands consultant Peter Levesque, of Wetlands Consultants Inc.

Donald Frydryk began by reviewing the site plan and the proposed project with the Commission. The Applicant (NexAmp) proposes to construct a 5.71 MW ground mounted solar photovoltaic array for electricity generation. An existing 25-foot wide paved haul road and 15-foot proposed gravel access drive is provided for site construction and maintenance. A minimum 100-foot wide vegetated buffer will be established along the perimeter of the parcel. The hillside slopes will be smoothed and stabilized with ground cover within the array enclosure and maintained as meadow. The drip line of the panels will be

stabilized with placement of loose straw and the hillside slopes will be stabilized with rows of fiber rolls. The project will not export earth materials from the site. The work will include placement of a 7-foot chain link fence to enclose the array with gates at all entrances.

As shown on the site plan, there is a vegetated wetland bordering both sides of the existing paved haul road that accesses the main area of the property. The Palmer Reservoir discharge and associated rivers area is also delineated on the plans. The disturbance proposed within the buffer zone to the bordering vegetated wetland and rivers area consists of selective vegetation trimming and the trenching of the underground power line within the existing pavement area. All disturbances will be stabilized with ground cover. The total area within the 100 foot buffer on the property is approximately 282,960 square feet. The proposed work will include a total of approximately 50,570 square feet of disturbance in the 100-foot buffer zone to the wetlands during the process of constructing the solar array. No disturbance will take place within 50 feet of the wetland limit. All areas of disturbance will be stabilized and maintained as a meadow, or gravel access driveway.

This project qualifies for a redevelopment project since portions of the lot were disturbed prior to the Rivers Protection Act. An "evaluation of 10.58(5) Redevelopment Projects" is attached to the end of this narrative. The proposed project will include approximately 5,662 square feet of disturbance within the 200-foot outer riparian zone. The disturbance will result from placing erosion controls at the limit of proposed work, vegetation clearing within the paved roadway and excavating for the underground power conduit, final grading, and loam and seeding of disturbed areas.

The Agent asked how the project will improve the Riverfront Area as required under the redevelopment standards.

Donald Frydryk stated the project shall restore 2,200 square feet of the existing paved road within the riverfront area. The restoration will include the placement of 2 inches of loam on the conduit trench and seed with a natural conservation seed mix. The restoration area shall be contained with a wattle barrier during the restoration work.

This project will include the construction of temporary sediment basins as required during the solar array installation. The project will establish a permanent native vegetative cover across the site. The drip line of the panels will be stabilized with placement of loose straw and the slopes will be stabilized with periodic fiber rolls parallel to the contours until the groundcover is established. The erosion controls and native vegetative cover are designed to meet the required stormwater management requirements. Mitigating measures for this project include the installation of fiber rolls as shown on the plan and details. The erosion controls shall be installed downhill of the proposed development area to provide sediment removal. All disturbed areas shall be loamed and seeded. All slopes greater than 4 to 1 shall be mulched. Erosion controls shall be installed prior to any disturbance on the site. Erosion controls shall be maintained until the Palmer Conservation Commission approves removal of the controls.

At the last meeting the Agent inquired about the location of the BVW located on the abutting property delineated as part of a 2006 ANRAD. Donald Frydryk added it to the existing site plan and stated the edge is 200+ feet away from project site.

A site visit was conducted on Friday 4/27/2018 at 2pm. Commissioner Donald Blais, David Cotter and Nicholas Zeo were present as well as the Conservation Agent Angela Panaccione. The Commission viewed the BVW & RFA flags and walked the boundaries of the project site. The Agent will conduct a follow up site visit independently to review the exact location of the wetlands flags.

The Agent asked Peter Levesque what criteria were used to delineate the Mean Annual High Water Line (MAHWL) of the RFA. Peter Levesque state criteria used to determine the MAHWL included the first observable break in slope and additional bankfull field indicators of changes in vegetation and scour marks.

The agent followed up by asking about the influence of the existing culvert on MAHWL of the brook, and Levesque stated he did not believe the culvert effected the stream channel, stating there is no noticeable erosion or scour.

The Agent asked if there would be any stormwater discharging from the access road to the BVW or RFA, and Donald Frydryk stated they would be narrowing the existing road and removing the pavement, and no stormwater controls were being added to the road so there would be no point source discharge. The Agent further elaborated on her concerns with stormwater and discharges to critical areas such as the OWR & CFR. Donald Frydryk stated he would reach out to the CFR expert at the DFW to inquire about the project and potential impacts to the CFR.

Motion made by Nicholas Zeo to continue the Public Hearing until Tuesday May 15, 2018 at 7:00pm

Motion was seconded by David Cotter

No further discussion – 4-0-0 – Motion Carries (BC recuses as abutter)

9. Project Monitoring

10. Violations & Enforcement

- a. L 21 Aspen Circle: No Update on violation. They did file a Forest Management Plan (FMP) w/ DCR & Assessors to place their land into the Chapter 61 Program for Forestry. Doug Hutcheson will email the FMP to the Commission upon final approval from Jen Fish of DCR.

The Agent will call Richard and ask to do site visit afternoon of May 11th. She will email the Commission to confirmation and with a time.

- b. 96 Rondeau Road: Pete Leveque presented existing conditions plan to the Commission. A site visit occurred at 8:30am on April 19, 2018. Peter Izyk and Conservation Agent attended w/ Pete Levesque of Wetlands Consultants Inc. The BVW line was apparent as it clearly bordered the bank of the stream.

Peter Levesque presented the existing conditions plan for the property as well as the resource area delineations. The site consists of a 2.92-acre parcel of land located on the northeasterly side of Rondeau Street approximately 2,000 feet east of Route 32 (Ware Street) and 400-feet west of Olney Street. The site is improved with a 1,008 SF single family home, well, subsurface septic system and two (2) out buildings. Access to the site is via a bituminous driveway off of Rondeau Street. A gravel cart road running northeast – southwest exists along the site’s easterly property line ending at an unnamed northwesterly flowing intermittent stream at the northeast corner of the site. A drainage swale on a northeasterly abutters property intermittently discharges runoff to the cart road. The northeasterly (rear) portion of the property consists of a northwesterly sloping hillside, which drops approximately 16-feet in elevation over the width of the site.

The hillside is vegetated with both upland and wetland vegetation with a slight prevalence of upland vegetation as indicated by an on-site vegetative plot (VP1). Soil analysis conducted on the hillside revealed upland soils with the exception of a narrow band of wetland along the intermittent stream, where a prevalence of hydrophytic vegetation and hydric soils was evident. Appendix D data sheets were submitted to the Commission for the delineations.

Resource areas on the subject site include Bank, BVW and isolated vegetated wetland (IVW). As a result of re-grading of the existing cart road impact to BVW, IVW and 100-foot buffer zone occurred. Although areas of the site are disturbed, at the time of our inspection there appeared to be no impact to the bank of the intermittent stream and no down-stream erosion or sedimentation. Sedimentation was observed outside jurisdictional areas along the northerly side of the edge of disturbance line. A siltation fence erosion control line has been installed at this location, as well as along the edge of disturbance

within the 100-foot buffer zone. The site is bound to the north by an intermittent stream followed by forested land and fields, to the south by Rondeau Street followed by residences, and to the east and west by residences fronting on Rondeau Street.

The topography of the site generally slopes moderately to the northwest with a change in elevation of 16-feet over the width of the site. The southerly corner of the site consists of a flat area, which houses a potable well, and is the area where the driveway enters the site.

According to the Soil Survey of Hampden County MA Central Part Sheet 6, and based onsite observations the soils on-site consists of PcC – Paxton extremely stony fine sandy loam, 15 to 25 percent slopes. This soil class is moderately sloping, deep, well drained and commonly found on the sides of drumlins. Permeability is moderate or moderately rapid in the subsoil and moderately slow or slow in the substratum. Available water capacity is moderate. For brief periods in the winter and spring a perched water table is in the lower part of the subsoil. PcC soils are well suited to trees and most of the acreage is wooded. Important tree species are north red oak, eastern white pine and sugar maple.

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

The stream immediately off-site to the northeast is not depicted on the 2012 USGS topographic map, and therefore is presumed to be intermittent.

Resource Area Delineation: Prior to conducting resource area delineations, available soil, topographic, orthophotos, habitat, and flood plain maps were reviewed.

BVW Delineation: The delineation of a wetland associated with an easterly flowing intermittent stream located just off-site to the northeast incorporated the fifty-percent or more of hydrophytic vegetation and indicators of hydrology criterion cited in the MA WPA. The delineation methods cited in the manuals, Delineating Bordering Vegetated Wetlands Under the Massachusetts Wetlands Protection Act, and the 1987 Corps of Engineers Wetlands Delineation Manual were also employed. Wetland flag series W1 – W9 delineates a narrow band of BVW associated with an easterly flowing intermittent stream located immediately off-site to the northeast. The dominant vegetation within the BVW included Sphagnum moss, (Sphagnum sp), Skunk cabbage (Symplocarpus foetidus), Yellow Birch (Betula alleghaniensis), Red maple (Acer rubrum) and Cinnamon Fern (Osmunda cinnamomea). Utilizing the Corps of Engineers Routine delineation method, it was obvious where a prevalence of hydrophytic vegetation occurred.

Thirty-two hand augered soil borings were conducted along a transitional hillside sloping towards the wetland, as well as along the BVW line to substantiate the delineation, and data collected and recorded for seven (7) of the borings. The soil samples and their profiles were analyzed for redoximorphic features and other indicators of hydrology utilizing the Munsell Soil Color Chart and the methods cited in the manual “Field Indicators for Identifying Hydric Soils of New England”. Pink flags labeled SB1 – SB6 and NH1 – NH26 were placed in the field to identify the location of the soil borings. NH1 – NH26 are representative of the surficial soil profile along a transitional slope containing both upland vegetation and hydrophytes. The soil profiles of all of the NH borings were very similar and typical of Paxton soil. The typical profile observed consisted of a 10-inch A-horizon consisting of sandy loam with a matrix color of 10yr 3/1 and a B-horizon of sandy loam with a matrix color of 10yr 4/4. No redoximorphic features were observed. Borings SB1 – SB-6 are paired soil borings representing three (3) transits across the wetland delineation used to substantiate the wetland line. See Appendix B for soil boring data sheets.

IVW Delineation: IVW’s are wetlands, which, typically occur in depressions and do not border on a stream, lake, pond, river or BVW. The delineation criteria for IVWs was established by the Corps of Engineers and employs a three (3)-prong approach, which requires the following conditions: 1) A prevalence of hydrophytic vegetation. 2) The presence of hydrology. 3) The presence of hydric soils.

An IVW was identified just off the cart road near the BVW and was delineated in the field with blue flags labeled I1 – I4. Hydrology to the IVW is believed to come from runoff originating from a drainage swale on a northeasterly abutting property. Soil borings SB1 and SB2 referenced above form a transit across the IVW delineation to substantiate it.

Bank Delineation: The Bank of the off-site intermittent stream was not separately delineated because it fell within the BVW delineation and the BVW 100-foot buffer zone extends out further perpendicularly than the Bank buffer zone. The boundary of the Bank resource area is at the first observable break in slope as cited in 310 CMR 10.54 (2) (c) of the WPA.

The Agent recommended the Commission accept the Existing Conditions Plan and the Resource Area delineations. She also said, based on the existing conditions site plan that the proposed new garage was located outside of the 100-foot Buffer zone and she would sign building permit when the applicants submitted it.

The Agent also recommend, as part of the restoration work, to permanently mark the edge 100-foot BZ so the owners would know where to not clear/work in the future.

Motion made by Peter Izyk to approve the Existing Conditions Plan; Prepared by H.E.M Design Consultants; Dated April 30, 2018

Motion was seconded by David Cotter

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

- c. DEP #256-0312: MassDOT Toll Booth Removal: MA DOT submitted their Resource Area Restoration Plan today. The Agent has not had the opportunity to review the RARP yet.

Motion made by Brenda Cole to approve the Resource Area Restoration Plan pending review of Agent; Prepared by AECOM Consultants; Dated April 30, 2018

Motion was seconded by David Cotter

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

- d. DEP #256-0309: Boston Rd Solar: A site visit was conducted Friday 4/27/2018 at 1:00pm. The Commission inspected the detention basin and stormwater swales to ensure the required repairs to the Stormwater System. The basin and the swales were stable, and appeared to have been re-seeded and covered with an erosion control blanket.

During the site visit the Commission discovered issues with previously required stream bank restoration, as required by an Enforcement Order issued in 2012. There is now significant erosion now all along the channel and the 15-inch pipe is now exposed at the outlet. Additionally, the by-pass pipe was never closed after restoration was completed.

Paul Les was present at the meeting and argued the cause of the new stream bank erosion is not from the Solar Array, but actually from the country drainage coming off Robinson Road. He stated the poor town road drainage is now causing the added erosion and the stream channel was stable over the past 1.5 years.

MA DOT has cleaned that culvert several times in the past; it does get clogged a lot with sediment.

The Agent stated she did not agree with Paul Les complaints. She explained that when the flow of the stream is significant (as it was during the two 4+ inch rain events in March) the streams velocity is much stronger and due to the cumulative impacts of the current erosion, coupled with the excess soils from utility pole installation and stream erosion exasperated the problem on site.

Paul Les stated another issue with fixing the stream is access, as now the fencing for the Solar Array and the detention basin prevent equipment from accessing the area from the site. He will have to secure access from the abutting property to complete the work.

Paul Les requested an additional site visit with the Commission. A Site visit is scheduled for Friday May 11, 2018 at 11:00am. Nick recommended the Agent ask DPW to attend as well to discuss stormwater flows from Robinson Road.

Paul Les will have Wetlands Consultants Inc. review stream channel restoration & current erosion and provide a report to the Commission detailing status of restoration as well as recommendation to re-stabilize eroded area. He will also have WCI provide a written report to the Commission on the current status of the steam channel and any recommendation on how to proceed further with more restoration and stabilization.

Paul Les also provide photos of stream today, showing flow both within the restored channel and in the pipe. Dave Cotter stated stream bed was dry in sections below bypass area.

Return June 5, 2018 meeting to discuss further.

11. New/Old Business

- a. Administration of 2017 MA Trails Grant: SCA Scheduling, Etc: A site visit is scheduled on May 3rd with AmeriCorps at the Fort River Nature Trail at 10am. Andy French, USFWS may not be available. Dave Cotter will take the lead as Angela cannot go (she has the final stormwater funding class). The Agent & Sarah Brodeur attended Scout Troop 164 meetings this past Sunday to discuss the grant and the work the Scouts will be doing. Bill Mullen agreed to participate and the Scouts will work Friday July 28th & 29th; they will also camp on site. Peter Izyk suggested the Agent also contact Girl Scouts troop in town for volunteer hours. Palmer DPW is currently working on constructing the Parking Lot and Dave Cotter has been doing extensive brush removal as well. AmeriCorps Student Conservation Association (SCA) is scheduled for July 16th -July 25th. We still need to schedule Northern Tree for the stump grinding and Brodeur Fence for the parking lot and safety fence.
- b. Earth Day Midura Clean-up: The Commission held a clean-up on Earth Day, 4/22/2018 at the Midura Conservation Area, from 9am-11:30am. Donald Blais thanked everyone that came out. Nine (9) people at Midura, and work included cleaning up the trails and along the shoulder of Old Warren Road. It was good to see so many dedicated people out there. Everyone that participated at Midura is users who love area. The Agent wanted to especially thank Amber, who encouraged people to participate by leaving flyers on cars parked in the lots.
- c. Community Wood Bank: No progress since last meeting
- d. Community Rain Barrel Program: We have sold several rain barrels already. The Townwide mailer is going out this week as well. We have also been getting several phone calls from interested residents. Our goal (to quantify a successful program) is to sell 100 rain barrels. It's a high number, but with continued outreach it should be attainable. Angela will also bring a demo barrel to TRACK to display and it will stay at PHCC after as well.
- e. Quaboag Valley Co-op Erosion Issues: No update, Gerry from the park should be contacting ACOE for assistance.
- f. MVP Grant Application: The Agent supplied the Commission with the draft application she will be submitting this week. The Conservation Agent Angela Panaccione will serve as the local project manager, assemble a core team to work on the project, and serves as the point of contact for the grant.

Climate change is already causing natural hazards to have more of an impact on Palmer, with hotter summers, wetter winters, more severe storms, and more frequent flooding. In the future, climatic changes are projected to result in Palmer experiencing higher temperatures and stronger, more frequent storms. There will also be wider variability in weather extreme and more days of extreme heat, more heat waves, more floods, more droughts, and more tornados, hurricanes and heavy storms.

Increased flooding poses the biggest risk to people and property in Palmer. Over the past year the Town has experienced more damages from flooding to areas within FEMA flood zone designation. The

socioeconomic status of residents in the floodplains is lower than the Town as a whole, meaning that flooding will have a greater impact on lower income residents. This past spring the Quaboag Valley Co-op (low income, elderly trailer park complex on the Quaboag River) has suffered from significant erosion and bank undercutting along the Quaboag River from flooding, that has resulted in the loss of property for three (3) residents and the potential for much more.

The Town of Palmer will use the results of this process to inform ongoing and any new planning efforts including local hazard mitigation plans, open space plans, and master plans. In fact, the Conservation Agent stressed the importance of including a section on the potential impacts of climate change already into our 2016 Hazardous Mitigation Plan (Pg. 59-62) and she has already been drafting language from the MA State Wildlife Action Tool to incorporate climate change impacts into refining our goals for our future 2021 Open Space Plan Update.

Our planning process will begin with the steering committee identifying past, current and future impacts using the best available data including newly developed climate change projections from EEA, and other available resources. From there we will determine the highest priority hazards within the municipality to focus on. Once we have identified the community's vulnerabilities and strengths, we will expand our planning process to identify infrastructural vulnerabilities and strengths, societal vulnerabilities and strengths, environmental vulnerabilities and strengths and other vulnerabilities in other sectors as identified by our community through the workshop processes.

- g. MS4 Annual Report: The Agent prepared the Town of Palmer NPDES PII Small MS4 General Permit Annual Report (EPA NPDES Permit Number: MA 041017) and submitted it to the EPA & MA DEP yesterday for Year 15. Anyone who wishes to review it may do so in the office as the complete document with all attachments is over 60 pages.

- 12. Executive Session under MGL Ch. 30A § 21(a)(3): To discuss strategy with respect to litigation, Palmer DG, LLC vs. Town of Palmer Conservation Commission, if the Chair finds that an open meeting may have a detrimental effect on the litigation position of the Commission.

Motion made by Brenda Cole to enter the Executive Session under MGL Ch. 30A § 21(a)(3) at 8:15pm

Motion seconded by Nicholas Zeo

No further discussion

Roll Call Vote: Donald Blais –Yes, David Cotter –Yes, Peter Izyk –Yes, Nicholas Zeo –Yes, Brenda Cole –Yes

Motion Carries

Motion made by Brenda Cole to exit the Executive Session at 10:10pm

Motion seconded by David Cotter

No further discussion

Roll Call Vote: Donald Blais –Yes, David Cotter –Yes, Peter Izyk –Yes, Nicholas Zeo –Yes, Brenda Cole –Yes

Motion Carries

- 13. Dollar General Settlement Agreement:

Motion by Brenda Cole to accept the settlement agreement and authorize the chair to sign on behalf of the Conservation Commission

Motion seconded by David Cotter

Donald Blais stated he is voting No and provided the following dissenting opinion: He believes we were sold short on this. The amount of \$ we got was insignificant and he does not believe we had good legal representation on the settlement matters. He has issue with the wording of the agreement, especially #1 & #2 and he was not satisfied with the overall process of the settlement negotiations. Lawyers are supposed to provide options and have the best interest of the Town moving forward. It was not apparent this was done, in fact the first things our lawyer stated was we can't win the case so settle.

No further discussion – 4-1-0 – Motion Carries

14. Upcoming Events, Conferences & Trainings

- a. 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, and from 1pm-3pm Donald Blais. Angela will be there all day and will also have the rain barrel on display as well.

14. **Office Closed:** Thursday May 2, 2018 -Monday May 7, 2018

15. **Set Next Meeting Date:** Tuesday May 15, 2018 @ 6:30pm

16. **Meeting adjourned:** 10:30 PM

Motion made by David Cotter to adjourn at 10:30 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, May 1st, 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)	Request for Comments Special Permit – Water Supply Protection District: L12 Breckenridge St (Map 7 Lots 12 & 13); Prepared by Palmer Planning Board; dated 4/9/2018	Review Phone/Mail/Email Messages	DEP #256-0332 file folder
6(a)	Mileage Invoice Angela Panaccione – April 2018: \$312.83	Approval of Payables	FY18 Payable Folder
7(a)	MVP Grant Letter of Support; Signed & Issued 5/1/2018	Signing of Documents (DOA, OOC, COC, Ext, Etc.)	MVP Grant Binder
7(b)	Emergency Permit: Mass DOT/Paul Les MA RT-67 Culvert cleaning & Flood alleviation (GPS Coordinates 42.144144, -72.28276); Signed & Issued 5/1/2018	Signing of Documents (DOA, OOC, COC, Ext, Etc.)	Emergency Permit File Folder
8(a)	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(a)	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(a)	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(a)	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(a)	Site Plan Review 271 Breckenridge Street Project Number: 905-0811 (Sheets 1-5); prepared by Borrego Solar Systems Inc.; dated 12/8/2017; Final Revised dated 4/25/2018	Schedule of Public Hearings	DEP #256-0331 File Folder
8(a)	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
8(a)	Additional Wetlands Details; prepared by Borrego Solar Systems Inc; dated 4/17/2018	Schedule of Public Hearings	DEP #256-0331 File Folder
8(a)	Request for a Waiver from Palmer Local Wetlands Ordinance (Chapter 168) & Regulations; Prepared by Steve Long c/o Borrego Solar; dated 5/1/2018	Schedule of Public Hearings	DEP #256-0331 File Folder

8(b)	WPA Form 3: Notice of Intent – Proposed Solar Array L12 Breckenridge Street; prepared by Sherman & Frydryk Inc; dated 12/8/2017	Schedule of Public Hearings	DEP #256-0332 File Folder
8(b)	Notice of Intent Narrative – Proposed Solar Array L12 Breckenridge Street; prepared by Sherman & Frydryk Inc; dated 3/28/2018	Schedule of Public Hearings	DEP #256-0332 File Folder
8(b)	Wetlands Delineation Report L12 Breckenridge Street, Palmer, MA, prepared by Wetlands Consultants, Inc., dated 12/19/2017	Schedule of Public Hearings	DEP #256-0332 File Folder
8(b)	Wetland Determination Data Forms and Site Photographs, prepared by Wetlands Consultants, Inc., dated 12/19/2017	Schedule of Public Hearings	DEP #256-0332 File Folder
8(b)	Palmer Breckenridge Solar Project Number: 03256A (Sheets 1-10); prepared by Sherman & Frydryk Inc; Signed & Stamped by Donald Frydryk; dated 1/19/2018	Schedule of Public Hearings	DEP #256-0332 File Folder
8(b)	Stormwater Management Report Proposed Solar Array L12 Breckenridge Street; prepared by Sherman & Frydryk Inc; Signed & Stamped by Donald Frydryk; dated January 2018	Schedule of Public Hearings	DEP #256-0332 File Folder
8(b)	DEP File Number w/ Comments; Prepared by Mark Stinson MADEP; dated 4/4/2018	Schedule of Public Hearings	DEP #256-0332 File Folder
8(b)	MA DEP Wetlands Program Policy 17-1: Photovoltaic System Solar Array Review	Schedule of Public Hearings	DEP #256-0332 File Folder
8(b)	MA DEP Evaluation of 10.58(5) Redevelopment Projects; Prepared by Sherman & Frydryk; dated 3/18/2018	Schedule of Public Hearings	DEP #256-0332 File Folder
8(b)	Response to DEP Comments File #256-0332; Prepared by Donald Frydryk; dated 4/16/2018	Schedule of Public Hearings	DEP #256-0332 File Folder
8(b)	Application for Conservation Permit (ACP) under Local Ordinance Chapter 168; Prepared by Donald Frydryk; dated 3/8/2018	Schedule of Public Hearings	DEP #256-0332 File Folder
8(b)	Request for a Waiver from Palmer Local Wetlands Ordinance (Chapter 168) & Regulations; Prepared by Donald Frydryk; dated 3/8/2018	Schedule of Public Hearings	DEP #256-0332 File Folder
10(b)	Part 1 (Existing Conditions Plan & Resource Area Delineation) of Restoration Plan Narrative 96 Rondeau Street WIC Job # 18-003; Prepared by Wetlands Consultants, Inc.; dated 5/1/2018	Violations & Enforcement	96 Rondeau Road Violation Folder
10(b)	Plan of Existing Conditions – 96 Rondeau Street; Prepared by H.E.M Design Consultants; Scale 1"=40'; Dated April 30, 2018	Violations & Enforcement	96 Rondeau Road Violation Folder
10(c)	Wetland Resource Area Restoration Plan I-90 Interchange #8 Ramp Legacy Toll Plaza; Prepared by AECOM Consultants; Dated 4/30/2018	Violations & Enforcement	DEP #256-0312 File Folder
10(d)	Site Inspection Report & Photos #256-0309: Boston Road Solar; Dated 4/27/2018	Violations & Enforcement	DEP #256-0309 File Folder

10(d)	Site Photos from Paul Les DEP #256-0309: Boston Road Solar; taken 5/1/2018	Violations & Enforcement	DEP #256-0309 File Folder
11(a)	Emails: 2018 SCA Massachusetts AmeriCorps Crew Contract – Agreement between the Student Conservation Association, Inc. and the Town of Palmer; from Tim Craig; dated 4/27/2018	New/Old Business	2017 Trail Grant Binder
11(c)	“A Community Guide to Starting & Running a Wood Bank”; by Sabrina Vivian and Jessica Leahy (2015). Forest Resources Student Scholarship. https://digitalcommons.library.umaine.edu/sfr_studentpub/1	New/Old Business	Community Wood Bank Binder
11(d)	Press Release: Town of Palmer 2018 Community Rain Barrel Program; by Angela Panaccione; dated 4/12/2018	New/Old Business	Community Rain Barrel Program File Folder
11(d)	Palmer 2018 Rain Barrel Program Order Form; provided by the Great American Rain Barrel Company; dated 4/12/2018	New/Old Business	Community Rain Barrel Program File Folder
11(d)	Town of Palmer 2018 Community Rain Barrel Program Information Sheet; provided by the Great American Rain Barrel Company; dated 4/12/2018	New/Old Business	Community Rain Barrel Program File Folder
11(e)	Request for Responses (RFR) Municipal Vulnerability Preparedness (MVP) Grant Program (ENV 18 POL 04) Combuys Bid # BD-18-1042-ENV-ENV01-25924; Dated: 4/13/2018	New/Old Business	MVP Grant Binder
11(e)	Municipal Vulnerability Preparedness (MVP) Planning Grant Application w/ Narrative & Letters of Support; Prepared by Angela Panaccione; dated 5/1/2018	New/Old Business	MVP Grant Binder
11(g)	Town of Palmer NPDES PII Small MS4 General Permit Annual Report (EPA NPDES Permit Number: MA 041017); Prepared by Angela Panaccione; dated 5/1/2018	New/Old Business	MS4 Annual Reports Binder
13	Settlement Agreement by and between the Town of Palmer, and Lisciotti Development Corp. and Palmer DG, LLC; Dated/ Effective Date 5/1/2018	Dollar General Settlement Agreement	Palmer DG Violation File Folder
13	Joint Stipulation of Dismissal with Prejudice Palmer DG vs. Town of Palmer Conservation Commission; Worcester District Court Civil Action No. 1785CV01301; Dated 5/11/2018	Dollar General Settlement Agreement	Palmer DG Violation File Folder